

LEGISLATIVE COUNCIL. Tuesday, 10th September, 1901. Third Reading-Vaccination-Companies Bill.

The Hon. the SPEAKER took the chair at half-past two o'clock. PRAYERS. THIRD READING. Ashburton County Council Empowering Bill. # VACCINATION. The Hon. Mr. JENNINGS moved, That the return laid on the table of the Council on Wednesday, 4th September, being Paper No. 110. and referring to births registered and vaccinations recorded, et cetera, during the past five years, be printed. In moving the motion he merely wished to point out that a number of gentlemen in the Council opposed a motion on the question when he spoke on it in the Council a few weeks ago. The reason he had moved the motion was that he had found that in the House of Commons a similar return had been presented since the abolition of compulsory vaccination in Britain. Why some honourable members opposed that motion he really did not know, for it would probably have helped those who held views different from those he held on compulsory vaccination. His honourable friend the Minister of Education objected to the word "conscientious." Recognising that "conscience" was not considered of much importance nowadays, he (Mr. Jennings) had that word eliminated from the motion to oblige his honourable friend. But he found that, according to the return that was presented to the House of Commons last year-and the abolition of compulsory vaccination in England-Mr. Parata 1898 no less than 230,147 "conscientious" objections were received by the Registration Department at Home, and exemptions were granted to all those persons, so that it was recognised in the highest Parliament in the world that "conscientious" objection to compulsory vaccination was an objection that should be taken into consideration. In dealing with the return that had been presented to the Council he would like to draw the attention of honourable members to the figures for the past five years dealing with births and vaccination. In the year 1896 the number of births registered was 18,605 ; the number of vaccinations recorded was 11,917. For the following years-1897, 1898, and 1899-there was almost a similarity of figures ; but he would not trouble the Council with them. In the year 1900 the number of births registered was 19,54%. and the number of vaccinations

recorded had gone down to the low figures of 4,535. That was in consequence of the Public Health Act that had been passed last year, relieving people in this colony from having compulsory vaccination enforced on their children. Now, these figures spoke very strongly. As he had maintained for the past seven years, compulsory vaccination was not at all necessary in a colony like this -- that the immunity we enjoyed from epidemic diseases, such as small-pox and kindred diseases, was so great that it was unnecessary to have a provision on our statute-books in any way favouring compulsion. If any case of small-pox did occur, the quarantine regulations were so perfect that it could be dealt with effectively. There was no doubt whatever of that fact, as he remembered what had been done in this colony on a case arising some thirty years ago; and that particular case was the only one of small-pox that had ever occurred in the colony. He was pleased to see, on looking over some of the newspapers published in the colony, that there were letters from medical gentlemen, as well as editorial comments, favouring the view he held -that compulsory vaccination should not be enforced in this colony. The other point of the return that he wished to emphasize was this : that in 1896 eighteen persons were fined for refusing to have their children vaccinated ; in 1807. 10; in 188, 10 ; and in 1899. 16-making a total of fifty-four persons who, for holding honest views -or perhaps it might be that personal pique might enter into these circumstances were brought before a Magistrate and fined. His contention was that, if so many thousands of people as the return showed had not had their children vaccinated, it was wrong that a few should be singled out. He hoped that the Government would see their way clear, in the Public Health Amendment Act now before Parliament, to render exemptions more easy of attainment. In another place he was very pleased to see that a great number of members opposed compulsory vaccination : and also spoke against giving full powers to Stipendiary Magistrates. As was very properly pointed out by some honourable members, a Stipendiary

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country districts for years, and if people had to wait to get a permit from a Stipendiary Magistrate they

would simply be put in the hands of the Registrar to be fined. He moved the motion. The Hon. Mr. W. C. WALKER said he did not rise to object to the printing of the return, but he was not prepared to take all the honourable gentleman's assumptions as facts or all his deductions as sound logic. He was afraid that some day we should find the evil results of this gradual relaxation of the restrictions which had been so profitable in the past, and the country would awake some day to find itself face to face with a terrible epidemic, an epidemic that would be all the more severe because it had not had it; but we did not know it would come into contact with a population whose constitutions had grown up without the slightest physical acquaintance with the influence of the germs that were likely to make serious assault. He only said these few words because he felt them to be true, and almost certainly they would prove to be true in the future. The Hon. Mr. T. KELLY said he did not object to the motion, but he could not allow the statement made by the proposer to pass without a few remarks in regard to the danger to the public health that would arise from people were only guessing at the causes and a relaxation of vaccination. This was a very serious matter. Now, it had been urged that, if a person had conscientious objections to it, therefore his child should not be vaccinated. He did not know whether the father of a child was the sole guardian of the child. He thought the State had an equal, if not a greater, right to protect the life of a child than the parent. Some people were utterly incapable of taking proper care of children, and it was therefore the duty of the State to step in when necessity required it. Some man might have great conscientious objections to paying his debts, and many other objections of that sort. The State then stepped in for the purpose of making his property liable. A great many people, not only in this country but in heretofore undreamt-of. It appeared to him other countries, have very conscientious objections to working for a living. They wanted to clamour had been raised against vaccination on the community, and a great many succeeded, but they were punished for it. With did not look very far or very thoughtfully reference to the danger of tampering with pre- into the problems around them, and who had cautionary measures, he would point to the case seen mischief done by bad vaccine and by bad which occurred in Glasgow recently. A small-pox vaccination, were led to attack the whole epidemic visited a certain quarter of Glasgow system, but how intelligent men like his at the beginning of the year, and, fortunately, honourable friend, who were ranging themselves prompt and most vigorous action was taken by against it, could do so he could not for the life the authorities to stamp it out. There were of him understand He had not heard the about eighteen hundred or two thousand cases honourable member say anything which, to his of small-pox, and about two hundred and fifty mind, would justify this crusade to put & stop people died, and it cost the citizens of Glasgow \$45,000 to stamp out that epidemic in a small throughout the world, and to throw away a quarter of the city; and if it had spread over proved remedy without taking any other safe- the whole city the expense would have been guard. He thought they ought all to insist on something enormous, and the loss of life appalling every possible means being taken to prevent ling. Well, these were some of the risks we under- careless vaccination. That arm-to-arm vaccination took in freeing our people from the compulsion tion was often dangerous there was no doubt. to vaccinate their children. As the Hon. the But steps were being taken everywhere to Minister of Education said, if a small-pox epidemic population would suffer severely, and, in addition, those amongst us who had not been vaccinated disease. He thought this Council should be careful and not encourage this system of relaxation, and thus expose the public to the risk of frightful disaster. The Hon. Mr. REEVES would like to say a few words on this subject. He thought it would be a most pernicious thing if compulsory vaccination was abolished. We knew very well that the fact of vaccination having been in existence had to a great extent saved many other parts of the world from an epidemic of small-pox. Fortunately, in New Zealand we day when it might come, and why should not every parent be compelled to have his child vaccinated to avoid that danger? He said it would be a most pernicious thing if we were to abolish vaccination. The Hon. Mr. BOWEN said he thought it was rather curious that it was

just about the time we were on the eve of understanding why vaccination had been a great success in the world that this crusade against it had taken place. When the great preventive of small-pox was introduced into England by Dr. Jenner results of illnesses ; but it was found that vaccination put a stop absolutely to the plague that was devastating all civilised countries, and especially the seaport towns of the East. Now, thanks to vaccination, these great seaports were no longer breeding small-pox for our sailors to disseminate from one end of the world to the other, and we knew as a fact that a great boon had been conferred on the world. Now we were on the eve of understanding the reasons for the immunity which three generations had enjoyed, reasons which we did not know before. The whole science of medicine had been revolutionised, and the doctors were busy investigating the whole life-history of microbes of different kinds, and finding out how one counteracted the other in a manner very unfortunate that at this time a great tition. He could understand how people who to a system which had proved so beneficent

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tions ; and it was at the very time that they were being taken that a clamour was raised, worthy of ignorant Hindoos, to let us go back to barbarism again. The Hon. Mr. JENNINGS said it was the fact of knowing that many of the most eminent and the most intelligent medical men in the world who had given attention to this subject were somewhat doubtful of the effects of vaccination that had caused him to bring this question before the Council on many occasions. They found that two of the most able medical men at Home-Dr. Creighton and Dr. Cruickshank, men eminent in bacteriology- in their evidence before the Royal Commission, gave strong opinions against compulsory vaccination, and that many other notable men at Home had done the same : that in Austria, after investigation by the Medical Superintendent-General, who had received reports from eighty vaccination doctors connected with the State railway service, the whole of those returns showed that vaccination had not had the result that its advocates wished to prove. The report showed that vaccination made the healthy rather more predisposed to small-pox than the unvaccinated and most unhealthy. He held in his hand a copy of the European Mail, containing a letter written by Mr. William Tebb, who had taken a great deal of trouble, and had accumulated a large number of facts from all parts of the world on this subject. He wrote from Tokio, in Japan, and gave the result of his investigations in Japan and China. Even in the case of the despised Chinese, they had no compulsory law in regard to vaccination. Some honourable gentlemen no doubt thought that smallpox was one of the raging diseases in that country. It was nothing of the sort, and there was not 1 per cent. of the four hundred millions of people in that country vaccinated. Mr. Tebb found that the alarming increase of leprosy during the past thirty years in various parts of the world was caused by vaccination. There was no compulsory vaccination law in the United States, nor in five out of six of the States forming the Commonwealth of Australia. Compulsory vaccination had been abolished in Great Britain, which he took to be one of the most intelligent nations in the world. The majority of the cantons in Switzerland had abolished compulsion. Knowing all these facts, it appeared, without saying too much to those honourable gentlemen who had not given that close attention to this question which had recently been given to it and if honourable gentlemen wished to get at the correct facts in regard to the effects of compulsory vaccination let them read Wallace's book, " The Wonderful Century." One medical witness before the British Royal Commission on Vaccination showed that there had been 6,233 cases of serious injury and 842 deaths due to vaccination, the witness giving chapter and verse. death-rate had greatly diminished in Switzerland and also in Leicester since compulsion had been abandoned and vaccination nearly discontinued. The death-rate of young children in Hon. Mr. Bowen vaccinated, was 107 per thousand ; in 1888-89, when vaccination had been discontinued, the death-rate had been reduced to 63 per thousand. This bore out what he had stated before-that the great infant mortality in this colony may be caused by vaccinating children when not strong enough to stand the torture. In the face of the fact that

almost all the intelligent nations in the world except Germany, France, and Italy were doing away with compulsory vaccination, he did think that in this colony, where we had all the advantages of being free from the dread of small-pox, it was not right to dictate to any man, who was the best custodian of his own children. that those children should be inoculated with lymph that might have tuberculosis or other germs of disease in it. As he had pointed out a few weeks ago, Dr. Karl Kober, of New York, another eminent physician who had carefully investigated the subject for ten years in New York, said, " Undoubtedly disease is communicated and created owing to inoculating children by lymph." He (Mr. Jennings) would be satisfied with having the return printed ; and he believed that, sooner or later in this colony, the compulsory clause in the Act would be modified very much. Motion agreed to. COMPANIES BILL. The Hon. Mr. W. C. WALKER .- I beg to move the committal of this Bill. It is a Bill which has been carefully considered by the Statutes Revision Committee, and the amendments I there-made in it are not very numerous. I trust the Council will, as a whole, receive the Bill with satisfaction. The Hon. Mr. A. LEE SMITH .- Before the Council goes into Committee I should like to detain honourable members for a few minutes while I make a few remarks upon this Bill, and more particularly am I desirous of doing so because I have some amendments which I am going to propose when the Council gets into Committee. Since this Bill was first introduced into the Council, there has been an investigation into the proceedings of certain companies down South. I do not know whether I shall be in order-but if I am out of order you, Sir, will inform me - in referring to what has taken place in connection with this matter in another place. But I have an intimate knowledge myself of some of the circumstances of this case, ascertained by my own individual investigation, and I suppose if I am out of order in referring to a Committee sitting in another place, still I can give the results of my own personal experience. It is now several weeks since this Bill was before the Council, and during the interval I have been down to Dunedin, and I have got information there which confirms the suspicion which I and others have long had-that there has been a considerable amount of wrongdoing in connection with companies, and more especially with regard to dredging companies. I am not alone in that opinion, because whilst in Dunedin I discussed this matter with a number

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of people-some promoters of companies, some directors, and some shareholders -and the general result of my investigations was that at a recent period of the boom a very large number of companies were floated, and are now in existence, which have done actually nothing whatever towards the carrying-out of their legitimate objects. I can state this as a fact from my own knowledge: that, out of eight companies inquired into as to their position, going before the public and asking for subscriptions, seven of those companies have got no dredging property at all-not a shilling's worth. The promotion of those companies has been carried out in an improper and, I was almost going to say, fraudulent manner; and it will surprise people when the evidence comes out -those interested in the honour and credit of the mercantile community-that such proceedings could have taken place at the present day. I looked into one particular company, and I found that the promoter of the company put out a prospectus, and within a short time got a large over-application for shares, and that when the supposed contract was filed, or should have been filed, there was no reckoning made for the original vendor. Then, this peculiar position arose : The gentleman agreed to convey to the company a property on the West Coast, for which he had only paid 10s. and some paid-up shares, for an option. He was to have something like a thousand bonus shares himself, and he did not even take the trouble to get any more than a kind of provisional agreement with that gentleman, which agreement was neither signed by the vendor nor by the option holder, and which, of course, never was registered, and which has lain for the whole of the time since in the hands of the solicitor without anything being done. These vendors' shares have been issued, and beyond that there has been a large number of subscribing shares issued, upon which a considerable amount of money has

been called up. I may also add that there is no attempt whatever being made to put a dredge on the claim, or to do any- thing at all, but just nurse it to keep the license alive, apparently for the benefit of the pro- moter. Unfortunate people have paid hundreds of pounds into the company, and have seen their money disposed of in this very peculiar and improper, and, I should say, dishonest manner. It has been distributed, first of all, in directors' fees, the vendor himself being a direc- tor. The vendor himself is also the secre- tary, although there is a clerk in the office who is nominally the secretary. An office is kept, and the dribblets of money that have come in from the shareholders have gone to pay the fees of the directors and secretary. The clerk is the nominal secretary, receives the fees and passes them over to the party who was vendor and director, who also got the money which was paid for the use of the office ; so that for the money the shareholders have paid to this company there has not been one scrap of property acquired, and it is being frittered away in such a manner as I have described. The original vendor is on the Coast. He can take and hold that property as long as he likes. He has signed no transfer deed, and therefore the result is that this company has no assets. That is merely one instance of the many I know of that are in exactly the same position. There has been considerable interest, as all honourable members know, in the dredg- ing industry. It is an industry with great potentialities, and if carried on honestly and properly, and with due regard to the principles that lie at the base of success in all business enterprises, there is a great future for that industry in New Zealand. But when we find that it has got into the hands of individuals who simply want the pickings-and almost the stealings-of it, the industry is so dis- credited that it is impossible now to write Home, or to Australia, or to anywhere else, with any probability of getting investors to put their money into it. Sir, the fullest dis- closure must be made. and steps taken by Par- liament to see that the interest not only of the people of the district surrounding these dredging claims, but the interests of the whole of the people of New Zealand, shall be pro- tected, and the colony saved from what I con- sider is a great discredit, and even a scandal. I could go on for a long time relating to the Council circumstances of a similar character which would further bring before honourable gentlemen the real position of matters ; but I do not know that it is worth while doing so, for the reason that very shortly there will be a full report submitted to the Council of the whole of the proceedings of the inquiry now being made. When honourable members read that report for themselves they will be able to understand the position very much better than I could put it before them now. There- fore I may say that I, for one, am ex- ceedingly glad that Government are taking some steps to alter the law. I consider the proposed amendments do not go far enough. This Bill in itself is largely a reproduction of the Home Act of last year. Now, there are no gold mines at Home, and for that reason there could be introduced into this Bill a large number of protective clauses which, of course, would not apply in Great Britain. In this Bill we have, I consider, only an instalment of what is required. On the Committee I suggested a few amendments, and if I had had time I could have suggested a number more. I think the Bill as it stands at present does not fully grasp the situation, and I do not think it will be possible for us to get the Companies Act into proper shape until a sub-committee of expert members has been set up to investigate the whole thing, and to draft a Bill to submit to Parliament, so that this im- portant subject may be considered by the whole House. Passing on to the Bill itself, I will just briefly relate a few of the alterations made in it. First of all, by a new clause that has been put into the Bill the qualifications of the direc- tors must be stated in the prospectus. Hitherto it has been the rule to say nothing about the qualifications of directors, but to leave it to the public to find them out. My opinion, which I

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think will commend itself to all those con- versant with business matters, is that the very foundation of a public company should be that you have not only men of credit, men of commercial experience, and men of honour, but that you must have something more than that. You must have from them some proof that they themselves have a belief in the industry they are recommending by their names to the public. Sir, we

have not up to the present got a limitation of what that amount should be. For myself, if I could have carried it, I should have proposed something that would be quite convincing to small investors. Mr. Brown, Mr. Jones, or Mr. Smith would then be able to say, " Mr. So-and-so has put his money into it, and we may go into it with full confidence that these gentlemen are not only supporting the company by their names, but that they are supporting it by their money." What has been the case in the past ? Companies have been formed in the last two or three years by men who have not taken a share in them. As the Act stood, there was no protection for an investor. There was no need for a director to have any interest in a company which he assisted to float. Seven men could join together, and all they had to do was to sign their names, without any condition whatever to take any shares, great or small, or pay a large amount of money, or even a pound or two. That, Sir, is a position which honourable members will agree must be altered. Then, Sir, the application-money of these dredging companies for a long time has been 1s. How does that work out ? A man floats a company, gets some vendors' shares, and applies for some subscribing shares. He pays 1s. each, and takes, say, 1,000 shares, and pays £50, and gets a few of his friends to do so also. The market is worked, and the shares go to a shilling or two premium. That is the case with several companies, and then these people begin to sell their subscribing shares at 2s. or 3s. premium, which means two or three hundred per cent. profit at once ; and they not only get back all their application-money, but an enormous profit. They have no further interest thereafter in the whole concern ; and I say that is wrong. Then, Sir, there have been cases very lately of directors who have had, shall I say, the audacity to take and sue people for calls, when they themselves were owing a large amount of money, and by clause 15A this is to be put a stop to. The directors must pay their calls before the day fixed for the shareholders to pay, so that when a shareholder comes to pay his call on the day due-some people are extremely prompt in doing so, and others will not pay at all -he should be able to see and know that by the law the whole of the directors must have paid all their calls by that time. Well, Sir, what has been the habit in some cases ? -and this is another flaw. It has been the practice for directors to cancel the shares of a defaulting shareholder when they themselves have been owing money. Then, there is another very important provision in this Bill, and that Hon. Mr. A. Lee Smith is with regard to audits. There has been an outcry over the country that the Government have in this Bill provided that in cases where an auditor has not been properly appointed by the company a Government auditor shall step in and see that everything is correct. I believe that is a very necessary safeguard. I know a company in Dunedin which has been going on for years absolutely insolvent, and the auditor has passed the accounts, although he has known that thousands of pounds' worth of assets did not exist, and ought to have been wiped off nine or ten years before. Now, that would be impossible if you have a Government audit ; and this is a state of things to remedy. Now, Sir, let me come to a few clauses which I have given contingent notice of motion of. In clause 3A I have provided that- " In the case of every company formed after the passing of this Act, the articles of association shall contain a provision that each director of the company shall hold a specified number of shares " I have already spoken upon that aspect of the matter ; and then,- "Every person who signs the memorandum of association of a company shall apply in writing on or before signing the memorandum for not less than the number of shares specified in the articles of association as the director's qualification, and shall thereupon pay on each such share the like amount as is payable on application on the shares intended to be offered to the public." That is for this object: that these people who get up a company shall put in as much money as the directors put in, so that they shall give just the same guarantee of good faith to the public as the directors themselves that everything is bona fide. Then, Sir, some directors have been receiving fees and other remuneration from these companies when they themselves have been in debt to the company in respect to calls-that is to say, there has been no set-off made, but the directors have drawn their fees, whilst at the same time owing the company for debts on unpaid calls. And here, Sir, is another wrong : some directors have passed

transfers for shares whilst calls on them were owing by the vendors. Now, how does that work ? A man may have a thousand shares with a good deal of liability, and an innocent man goes and buys the shares thinking the calls are paid up. He may live at some distance, and send the transfer to the office, and if the directors put the transfer through, the buyer may be let in for the call. That is how many people have been taken in, and will continue to be so unless we afford legal protection. Now, Sir, as to the matter of companies' statements : Of course, I am quite aware that in large companies with wide ramifications, such as manufacturing companies and commercial companies, we cannot have a true and particular statement of accounts at very short notice. A year's work, I suppose, is required in a great many instances to enable the staff of the office and the directors to correctly gauge what the position of that company is ; but with

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regard to mining companies, their obligations credit of the conduct of public companies in are confined to a very limited area. They have, say, a battery, and mine, or dredge, and it in the future, would be perfectly easy for them holding no stock and having no forward purchase contracts or forward selling contract, or any other commitments of a complicated nature, and where their money is obtained daily, weekly, and amount of work he has put into it, and on the monthly to let the shareholders, who in the past never could get to know anything about the finances of the company until the annual meeting-I say it would be proper and very much to the public advantage if these companies were compelled at short intervals to lay before the shareholders their position, and supply balance-sheets, so that from time to time, when people want to buy and sell shares, they could ascertain at a moment's notice how a company stood. Therefore I have proposed the following :- " In the case of mining companies the directors shall transmit to every shareholder at his last known place of abode a half-yearly statement of the receipts and expenditure of the company during the preceding six months, and of the assets and liabilities of the company at the date of the account." I would prefer to make it three-monthly, but in order not to strain the matter, and to put before members of the Council something they might agree to, I have made it six months, and I hope the Council will agree to that. Then, Sir, there have been secret transactions by giving payment for land and property bought by shares, and which the shareholders have known nothing at all about until a considerable time afterwards, with the result that some people are in the secret of the operation and some are not ; and I say that is not fair. I say this : that the very basis and the very essence of the proper carrying-on of a company is that there should be no preference in any shape or form, and that there should be nothing that is not common knowledge, and a company carrying on its business otherwise will stand a great risk of being defrauded by directors who are not honest. Therefore I have provided that,- "Where any land or other property or any rights are acquired by a company otherwise than by cash, the deed of sale or transfer, or a true copy thereof, shall at all times be kept at the registered office of the company, and shall there be open to the inspection of any shareholder free of charge during the usual business hours." That is to say, when any company has acquired property, and has not paid for it in cash, a shareholder can go the office and say, "I have heard it rumoured that you have got such a property ; let me see the terms of the transaction." The directors should throw as much light as possible on all operations, in mining companies especially. Sir, I think I have exhausted pretty well all I have to say. I hope the Council will give this Bill serious consideration, and that honourable gentlemen generally will make up their minds to, as far as it is possible, endeavour not only to put a stop to the frauds of the past, but to raise the status and this colony to a position that will be creditable. The Hon. Mr. TWOMEY. - I think the honourable gentleman who has just sat down may be congratulated on the amount of attention that he has given to this subject, the very conclusive and excellent manner in which he has placed the question before the Council. I think there is so much interest involved in this question that a Royal Commission ought to be appointed for the purpose



of investigating these companies, and looking into these matters. So far as I can see, no Act of Parliament will meet the requirements of the case, for the reason that we set our faces always against retrospective legislation, and it is just something retrospective that is wanted now. That is why I think a Royal Commission ought to be appointed. There are two millions and a half of money invested in dredging, and that is scattered all over the country. There was, perhaps, never a commercial matter in which there was wider interest, and for that reason I think it is the duty of the Government to tackle the matter in a proper way. It is necessary, too, to inspire confidence in those who would willingly invest their money in dredging if they thought the thing would be conducted honestly. It is very necessary to inspire confidence now. We all know that the dredging industry might be a great and profitable industry in this colony, and it is desirable that everything should be done to develop it. I am not, of course, as well up in this matter as my honourable friend, Mr. Lee Smith. He is at the very heart of all the dredging activity ; he has access to the records, and he knows all. I wish to place on record my appreciation of the efforts he has made. But I have some little experience. First of all, a broker comes with a prospectus. That prospectus shows that 16 gr. to the dish was got out at one place, and that 27 gr. to the load was got out in another place. Why, " Hartley and Riley " would be nothing to that. I saw that statement written by a responsible man in his own handwriting, and addressed to a friend of his ; and what happened? Actually, when the company was floated, and they had moneys collected from all parts of the colony, a fresh prospect was made, and it was found that there was no gold in it whatever. That is At the time of the liquidation we were told that they had £1,800 to their credit, and that the expense incurred was only £400, and that consequently there would be a good dividend returned on the money we had paid. But I received a letter demanding imperiously more money to liquidate the money. I think that wants looking into. Another company was floated with a great flourish of trumpets, and it was by great favouritism that I got some shares in it. Within two months it was prospected and found to be useless ; but the directors had all our moneys in their possession, and what did they do? They bought a fresh claim, and they have been collecting money ever since.

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There was another company started that I am interested in. It has been in existence about two years and a half, and not a bit has been done by the prospectors, except that they are drawing fees; and the secretary is also drawing fees. Then, there was another company. The secretary was the vendor, and the directors sent this secretary-vendor to prospect the claim. After he had gone the incongruity of the position appeared to dawn upon them, and they sent another man after him; and the latest I have heard is that that man is going about the country interviewing shareholders, and, of course, drawing fees the whole time. There are other companies where the position is terrible. It is a huge swindle from beginning to end, and it is very nearly time that Parliament did its duty properly in this matter. There are big interests involved, and the question ought to be looked into. I intend to propose an amendment in Committee, and I may as well put it on record in Hansard now in case it does not go any further. The new clause which I intend to move is as follows :- " No mining company shall hereafter be registered, if the ground intended to be worked by such company is a dredging area or claim, unless the Warden exercising jurisdiction in the district where such claim or area is situated shall certify under his hand and seal that such claim or area has been thoroughly tested, and there is, according to the evidence submitted, a reasonable prospect of such claim or area being payable : Provided that, in cases where such area is not in any mining district, an Inspector of Mines appointed under the Mining Act shall certify as aforesaid." Now, there are hundreds of instances where not a bit of prospecting has been done, and not an attempt has been made to test whether there was any gold at all or not ; and yet you will see mining experts certifying in the prospectus that there was gold in heaps, and that there was nothing to do but to go and shovel it out. We have heaps of these prospectuses, and it has been found afterwards that

absolutely no test was made of the thing. What we want is that the gold shall be looked at before the company is floated or put into the market, and that the public shall have some reasonable ground to believe that the ground is workable and dredgeable, and that it contains gold. I am not the author of the clause I intend to move later on. The author of it is a very capable man, and one who understands the position, for he is an old digger. I think there is nothing that would inspire greater confidence in the mining industry than that this clause should appear in the Bill, in order that the Wardens would in the future certify that the ground was auriferous. I trust, Sir, the Council will make the Bill as drastic as it is possible to make it in respect to mining. My opinion is that there ought to be a special Bill for the dredging industry, because it is not right that commercial companies-and there are a good many in the country-should be hampered by the restrictions which we intend to put into this Bill, and which have reference Hon. Mr. Twomey mainly to swindling concerns. For that reason I think there should be a special Bill for dredging. It should be kept separate from the ordinary company law. The Hon. Mr. REEVES .- Sir, we know that in this world there are a number of fools : I refer to those people who go into speculations without knowing what they are doing. From the time of the South Sea bubble to the present time the same story has been told over and over again. We have every safeguard at the present time for men of common-sense who wish to go into companies. An Hon. MEMBER .- NO. The Hon. Mr. REEVES .- I say we have every safeguard. No man is obliged to go into a company unless he is satisfied the company is sound, and has good prospects. Any man who does anything else goes in for what is nothing more nor less than a gamble. My honourable friend, Mr. Twomey, goes into these gambles himself. The Hon. Mr. A. LEE SMITH .- A man wants a run for his money. The Hon. Mr. REEVES .- Yes, a man wants a run for his money, and in nine cases out of ten they lose it. However, I would like to see an amendment in our mining law, but I certainly do not agree that there should be Government inspection, and all the rest of it. If I am going to Canterbury, or to the Bluff, to buy ten thousand bags of oats, is there to be a Government Inspector accompanying me to see that I make money out of it ? Sir, it is really absurd and ridiculous to hear people get up here, who have lost a few pounds in mining speculations, making such a noise about it. The Hon. Mr. A. LEE SMITH .- I have lost money by it. The Hon. Mr. REEVES .- Yes, and I have lost money by it too, and I have made some, and I hope to make more. Sir, I say let men use common-sense, and they will not be led astray. They should be well advised in regard to what they are going into. Of course, people may make mistakes, but if they exercise common-sense they will come out right in nine cases out of ten. The Hon. Mr. BOLT .- Sir, I think there is a good deal in what the Hon. Mr. Reeves says. A great many of the losses sustained by individuals is due to the fact that they have not exercised sufficient caution or discretion in entering into their engagements. I believe, however, that the irregularities the Hon. Mr. Lee Smith has pointed out have been confined to one office. For myself, I have not heard of similar irregularities in any office beyond that. The Hon. Mr. A. LEE SMITH .- There are others. The Hon. Mr. BOLT .- Well, all I can say is. I have not heard of them; and it certainly seems a most extraordinary state of affairs that directors should go on making calls in respect of a property they did not possess, and did not know anything of the deeds or agreements which should have given them possession of it. It appears to me that men who go into business and carry on a business in that loose way

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should suffer for it. Surely, the first thing a man should do, before he pays away money, is to come before us in Committee, see that he really has property in respect of which he is paying away his money. The Hon. Mr. A. LEE SMITH .- That is what the directors are for. The Hon. Mr. BOLT .- Yes, that is what the Companies Act of last year of Great Britain, directors are for ; and the shareholders should see that the directors carry out their duties and that the Bill is intended to have a general in that respect. Why is the thing allowed to go

by the board until it has become a public mining companies. Honourable members have scandal? It is extraordinary that this industry has been carried on for many years, and that there should be no irregularities reference to mining companies in certain parts outside that one office. I do not know, of the colony. Now, I call their attention to however, that there is much objection to the Bill. I believe this, though: that it will have a tendency to limit the amount of - namely, "The Promoters' and Directors' capital put into this industry. Possibly that Liability Act, 1891," and "The Mining Com- may be looked on as a good thing. I believe panies Act, 1894." It appears to me that what there are so many harassing restrictions now is required to be done to remedy the abuses embodied in the Bill as to retard people from to which honourable members have referred taking up ground, or inquiring whether it is is that some amendment of the Mining Com- auriferous or not. As to the question raised by panies Act should be made, by which it the Hon. Mr. Twomey, that there should be should be compulsory for all companies re- a strict investigation into the nature of the lating to mining to be registered under that ground before it is put on the market, I believe Act. We may mutilate this Bill, or, rather, put that in some cases that would be beneficial. I provisions into it which are altogether foreign may mention this, however : that some reports to the idea which the framers of the Bill in that have appeared in the prospectuses of England had, and practically spoil the Bill for mining companies have been made out by men colonial and general purposes here ; whilst by whom everybody knows more or less. The a judicious amendment of the mining company whole of the public in Otago know their names law the abuses to which honourable gentlemen as, in many cases, the names of men of irre- have referred might be remedied. For instance, proachable character. And these men in some here is one matter which the Hon. Mr. Lee cases have attached their names to reports Smith referred to, in reference to directors: which were not substantiated when the dredge he says they have received fees whilst still came to work. Mr Don, father of Dr. Don, of indebted to the company for shares and calls. the Otago University, is one, and no one will Why, Sir, under "The Mining Companies even hint that Mr. Don ever connived at any- Act, 1894," it is impossible for a director, thing improper. He is a man of irreproachable if the company be registered under that Act, character ; and yet, with respect to several of to remain a director whilst he is indebted the companies with which he was associated, to the company at all ; and it is also im- the results have not come up to what was ex- possible for a director to continue a director pected from his reports. So you will find in " of any company working or holding ground regard to this industry mistakes will inevitably abutting on or next to the company which arise. I myself was told by a man on the West may be engaged in litigation with the company Coast that when out shooting one day he found of which he was first appointed a director." himself in a gully, and merely for curiosity he The case related by the Hon. Mr. Twomey in tried the gravel and found an extraordinary which he was apparently victimised, as he put quantity of gold in it. He marked the place it, is also provided for. If the person who and revisited it later on, and again found gold. made that representation was an expert re- He spoke to a friend about it and his friend said ferred to in the prospectus of the company, that if the gold was such as was described to under the Promoters and Directors' Liability him they had a fortune in it. But when he Act of 1891 he is liable to three years' im- came a third time he could not find a speck. imprisonment. If honourable members would An Hon. MEMBER .- It had all been carried take the trouble to look they would see that away by a flood. many of the matters they have referred to are The Hon. Mr. BOLT .- It had been carried provided for either under the Mining Com- away ; it never was there in any quantity, and panies Act or under the other Act to which just in that way auriferous ground is frequently I have referred ; and, if they are not sufficient, found to be very patchy. You might light on I hope that, by a judicious amendment of that a patch here and there, which might give a branch of the law, a remedy will be provided, good return, and after all you may be dis- and in a more convenient way, for the evils appointed. Therefore I do not think there has which have been referred to, rather than by been so much roguery so far as prospecting the mixing up mining companies

law with the ground is concerned. There are one or two general company law, to which this Bill refers. points in the Bill in regard to which I intend The Hon. Colonel PITT .- I hope it will be borne in mind by honourable members, when dealing with this Bill in Committee, that, as I think was pointed out by the Hon. Mr. Lee where there are few mining companies at all, application to companies apart altogether from discussed this Bill having regard to certain grievances and abuses which have existed in this fact : that there are two sets of Acts upon the statute - book relating to such matters The Hon. Mr. A. LEE SMITH .-

The trouble

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is that all the companies are under the Act of 1882. The Hon. Colonel PITT .- Yes, I know; and therefore I say, by an amendment of the clauses of this Act, or by an amendment of the Mining Companies Act, it could be provided that it shall not be legal for a mining company to register under the Act of 1882; but I do ask honourable gentlemen to consider very seriously before they introduce matter into this Act which is really foreign to the purposes for which it was framed in England, and let us have this Act on the statute-book, which is practically a copy of the English Companies Act of last year. The Hon. Mr. A. LEE SMITH .- The Act passed last session at Home has proved to be very faulty. The Hon. Colonel PITT .- At all events, there it is, and my honourable friend says it is considered to be very faulty. Well, I do not know. It provides for a good many things which I think will be very useful to us here in New Zealand. The Hon. Mr. SCOTLAND .- The Hon. Mr. Reeves has made what I suppose we must call a funny speech, but I consider he treated this question, which is a question of very great importance, too much in a spirit of levity. He, Sir, spoke of persons who were induced to take up shares in these bogus schemes, and who were swindled out of their money, as so many fools, and almost unworthy of the attention of the Legislature; and that if they go into these things they have only themselves to thank for it, and they do what no prudent man would do. Well, I say, many men and many women too go into these schemes in New Zealand, and it would not be right in all, or even most cases, to call them fools. There may be fools among them, but they are not all fools. Misrepresentations are made to induce them to go in and risk their money, too often with the loss of that money. Sir, this Bill, I am happy to say, proposes to do all that it is possible to do to put a check on these rascally promoters of companies. Every one of these booms gives birth to a "Thomas Russell." That scoundrel-if he were standing before me at the present moment I would tell him to his face he is a scoundrel-has been a curse to hundreds of people in this country-to widows and orphans-and what does he care ? He ought to be at this moment breaking stones in Mount Eden Gaol. I was sorry to see-I hope it was not true-but I certainly read it in a paper, that His present Majesty, when Prince of Wales, went and lunched with that scoundrel in his country seat, in some part of England. Well, Sir, I hope this Bill will tie up such directors from doing similar mischief in the future. I wish I could tie up some of them in another way, but I know it is impossible, in this tender-hearted age, to punish such rogues according to their deserts. Queen Elizabeth's time such men would have been strung up by the dozen, but this is the tender-hearted twentieth century. Well, Sir, I hope not only directors, but liquidators of companies will also be touched up by this Bill. The Hon. Mr. Lee Smith, on a previous occasion, spoke about the liquidators of a certain bank, and their very tardy proceedings, as far as giving an account of their stewardship is concerned. I also had something to say on the same occasion, I remember. I am sorry to say that the gentlemen alluded to have made no sign, and have given no account as yet. We are in the same happy position still-we are awaiting a final dividend of, perhaps, 2}d. in the pound, and all I can say is that I wish we may get it. I heartily approve of this Bill, and I hope in Committee we will make it even more stringent. We know the sort of customers we have to deal with ; but I trust that we shall be able to frame such a Bill as, with all their cunning, they will not be able to override ; otherwise we shall deserve to be laughed at as clumsy legislators indeed. The Hon. Mr. JONES. - The honourable gentleman who has just spoken has certainly spoken out of the

fullness of his heart. No honourable member who listened to the honourable gentleman's remarks could fail to feel that there was a considerable amount of pathos in the complaint which he has made. But such remarks as those of the honourable member will not get over this difficulty. In my opinion the only way to prevent the fraud which has evidently taken place regarding the floating and management of bogus mining companies, is for the Government to see that a proper expert investigation is made of the ground to be operated upon as dredging areas. I believe such an investigation could be made as would determine whether there was gold there or not. The difficulty is that companies have been floated in Dunedin where there was no intention of working the ground, but where the only intention was to work the public -to get gold from the pockets of the public and place it in the pockets of the promoters. I am perfectly certain that we might stay here till doomsday, and set up all kinds of other safeguards, and that we would fail to accomplish what we have in view unless we adopt the safeguard I have suggested. I think, however, we should see that an investigation is made by a competent officer of the Mines Department. But fraud occurs not only in connection with gold-mining, but in connection with all kinds of companies. The public's pockets are exploited for the benefit of the promoters, and I think it is a cruelty to say that those who believe the prospectuses are fools. They are simple honest people who cannot conceive that men could be such rogues as to send out such spurious decoys. Those are the people we ought to protect in the interest of our industries, but those are the people who are not protected. It has become the custom of persons a little bit smarter than others to laugh at those who believe in the honesty of their fellows. The only effective expedient-and I have felt this from the beginning of the agitation-with regard to scoundrelism in the promotion of the public companies is to get a reliable expert report, and provide that those who go into these companies shall put hard cash into them themselves.

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The Hon. Mr. JENNINGS .- Sir, I fail to see how any so-called expert can tell the value of a mine. Take, for instance, a quartz-reefing mine. An Hon. MEMBER .- It is not quartz-mining I refer to. The Hon. Mr. JENNINGS .- The Bill will refer to any gold-mining. You cannot pass an Act to deal with only a portion of mining. It is impossible for even a Government expert to tell what is in a reef unless by sinking or driving. I agree that some provision should be made to deal with company promoters. From the little bitter experience I have had in connection with gold-mining ventures, I believe there are honest men in Mount Cook Gaol compared with some company promoters. I know of instances where claims have been floated. The promoters have the result of assays put in the prospectus, showing something like 80 oz. to the ton. They get a small bit of quartz, hardly the size of a pea, and have an assay of that small piece. This is put forward as showing the great value and prospect of the mine. The public are hoodwinked, and the shares are taken up eagerly. I have felt for some years past that some legislation should be adopted dealing with the floating of wild-cat companies. The Hon. Mr. Lee Smith referred to the question of liquidators. It is a monstrous thing, not only in connection with gold-mining, but also with other companies, that the select clique who generally run these affairs will appoint a liquidator who is "in the swim," and he will get a nice plum for winding up the affairs. I hope the Hon. Mr. Lee Smith will be successful with his crusade against dishonesty. I will support him to the fullest extent. The Hon. Mr. W. C. WALKER. - With other honourable members, Sir, I do not see how it is possible to put the question of the floating of gold-mining areas upon the shoulders of a Government expert. It is quite impossible. I think that any one who has had any knowledge of gold-mining districts must know that; and, also, when you have got the Government gold-mining expert's opinion, what is it worth? It is no better, in a sense, than the opinion of any other expert-that is, if the other expert is an honest man. Of course, I am very desirous of seeing this Bill made as useful as possible; at the same time I am rather afraid that there is a tendency in the minds of some honourable members to deal with it rather from the point of view of a panic. I have lived through several periods of boom and collapse in New Zealand in these matters, and I do not know

that the history of any one of them is very different from the others. You will always find the clever manipulator of companies that are worth virtually nothing, and the honest but innocent investor being let in. How many times has that happened in New Zealand, and how many times is that likely to happen ? If it is difficult to make people more virtuous by Act of Parliament, I am quite certain that it is impossible to make them wise by the same process. An Hon. MEMBER. - It will prevent rascality. The Hon. Mr. W. C. WALKER. - Rascality, of course, should always be prevented, and, if found out, should be punished. However, I deprecate dealing with this question from the point of view of panic. It is a measure that, as was pointed out by the Hon. Colonel Pitt, should not be regarded as dealing with mining companies only. One honourable gentleman said it should deal only with dredging companies. Well, I say this : let us improve our company law where possible. The Bill was originally intended to bring the law up to the standard of the present law at Home. I do not think we should try to do impossibilities, or read into the Bill provisions that cannot have any useful or practical result. Motion agreed to. Bill committed and progress reported. The Council adjourned at five minutes to five o'clock p.m. # HOUSE OF REPRESENTATIVES. Tuesday, 10th September, 1901. President McKinley : Attempted Assassination- Breach of Privilege. Mr. DEPUTY-SPEAKER took the chair at half-past ten o'clock. PRAYERS. PRESIDENT MCKINLEY : ATTEMPTED ASSASSINATION. Mr. SEDDON (Premier) .- Sir, I desire to announce to the House, and I am sure the announcement will be received with pleasure by every honourable member, that the condition of the victim of a fell and dastardly deed, President McKinley, is improving. I know that we one and all cannot but feel deep sympathy with the nation, with the sufferer, and with Mrs. McKinley on this deplorable event, this foul blow struck at a great man ; and later on it is my intention to ask the House to pass a resolution of sympathy with President and Mrs. McKinley. I may also say that when the sad intelligence reached the colony I immediately requested His Excellency the ' Governor, through the Under-Secretary of State, to convey the sympathy of this colony to the sufferer. BREACH OF PRIVILEGE. Mr. DEPUTY-SPEAKER. - Before calling on the orders of the day fixed for Tuesday I may state I have received a letter from Mr. Albert F. Cohen. It is my intention to read the letter to the House. It is as follows : - " Press Gallery, Wellington, 10th September, 1901. "SIR,-I wish to address your honourable House, through you, in respect to a matter which is to engage its attention to-day. "The House has already decided that the publication of certain evidence given before its

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latter is a breach of its privileges ; and the Privileges Committee, to whom the subject was referred, have reported that, with regard to certain questions put to me as a witness, I declined to answer the same. " With respect to the first point, I wish to state that matters of the greatest interest to the people of New Zealand generally, and of Dunedin (where the publication took place) in particular, are involved in the question of the promotion and flotation of companies concerned in the dredging industry. "Your honourable House was petitioned to make the fullest inquiry into alleged grievances, and I believe the Select Committee were endeavouring, in the public interest, to sift the whole matter thoroughly. Nothing, in my judgment, could aid them so completely in prosecuting their investigations as the publishing of the evidence, for thereby the public knew what were the subjects being inquired into and what were being omitted, and what evidence therefore remained to be supplied to the Committee in order that they might have the whole facts before them before making their report to your honourable House. From information received, I can state that the report in the Dunedin Star will have the desired effect, and the Committee have tendered to them evidence which will enable them to make a far more searching inquiry than would otherwise have been the case. It was simply with the desire of enlarging the scope of the Committee's investigations, and thereby of assisting your House and one of its Committees, that I published the evidence. It was not with any view of transgression against the wishes of the House or the Committee that the report was made. Proceedings of the Committees on the Counties and Factories Bills have been

published by most of the papers of the colony, and with beneficial results. From the views enunciated in the House on these two measures, it is the desire of the present Parliament to make these Bills suitable to the wishes of the inhabitants of New Zealand ; and by the publication, before the Committees have concluded their labours, opportunities have been afforded of obtaining the consensus of opinion of the people directly concerned in the passage of both measures. " For the above reason I would suggest that the meetings of Select Committees be thrown open to the Press, except in the cases of secret Committees, when members are deliberating, or at such times as it is deemed inadvisable by the Committee concerned for their proceedings to be reported. This is the rule in vogue for very many years in the Mother of Parliaments. A reference to the London papers will show that the Imperial Parliament allows the evidence and proceedings of its Grand Committees to be made day by day, and I hope an outcome of the present proceedings will be that the New Zealand Legislature will recognise the reasonableness of falling into line with the English rule. What transpires before our Select Committees is frequently of great public importance. Mr. Deputy-Speaker Press Gallery are placed in a difficulty by having to accept information in a manner not altogether to their liking, and which technically constitutes a breach of the privileges of your honourable House. I venture, therefore, to suggest that the present restriction be amended, by the Standing Order in question being repealed to the extent of admitting the Press to the proceedings of Committees, or, if the Committee should decide that reporters be excluded, the Chairman or some other person be authorised to supply to the Press an official report of what transpires. "That a technical breach of privilege was committed by a premature publication of the evidence I frankly recognised before the Privileges Committee, and that admission is repeated to your House. The rule, however, is almost daily disregarded ; and the question naturally suggests itself whether the better course to pursue under the circumstances would not be to adapt our practice to that of the Imperial Parliament rather than to enforce a penalty for disregard of a Standing Order which has been more honoured in the breach than in the observance, and previous offences concerning which have never before incurred the displeasure of your honourable House. In regard to the published evidence, it has been admitted that the report was impartial and accurate. One witness, Mr. Holsted, was accused of certain irregularities by Mr. Easton, and immediate publication of his answer to these charges was deemed by my editor an act of common justice to that witness. This evidence, it should be borne in mind, was published by my paper before the House had been asked to consider whether its privileges had been invaded. There was absolutely no subsequent publication of evidence. "As to my attitude before the Privileges Committee, I contend that there was no contumely nor disrespect to that body. Though practically on my trial-the House having already affirmed that the Dunedin Star had been guilty of a breach of privilege-I refrained from declining to answer questions which I might have done on the plea that it was un-British to ask a witness to give evidence which might tend to criminate himself. On the contrary, I made a frank and honest declaration as to the publication of the evidence, and accepted personal responsibility of an act performed in what I believe to be the public interests. It was only when pressed to state the source of my information that I declined to answer the question, holding that, as a matter of honour, and following one of the first tenets of my profession, the source of information given me in good faith must be kept absolutely sacred. I should like members to carefully peruse my evidence on this point, so as to satisfy themselves as to any absence of intent to set at defiance an order of your honourable House. "I regret that my bona fide endeavour, through the medium of my paper, to assist in the prosecution of a searching inquiry into a matter of the greatest concern to the mining

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\- both members and pressmen that has led, breach of privilege, and I trust that the explanation has been stated by the member for Wellington given will be accepted by your honourable City (Mr. Fisher), to the wholesale House. Reiterating that it has not been my breaches of the Standing Orders that now go

on, wish to set Parliament at defiance,-Believe "A. E. COHEN, and there has been no wrapping-up or disguising me, &c., " Parliamentary Reporter, Dunedin Star. the fact. Evidence, as in this case, has been taken holus-bolus and printed in the newspapers, " The Speaker, House of Representatives." which was a breach of the Standing Orders and of Mr. SEDDON (Premier) .- Mr. Speaker, I feel sure that every member of the House will the privileges of this House. Very well, as I have be pleased that Mr. Cohen has taken the course said, it is only a question of degree. Of course, you must deal with it in its degree. If for the that he has done in sending the letter that has same degree or a lesser degree in giving publi- just been read, and therein expressing his regret at having committed a breach of the privileges cation to what transpires on these Committees, members in this House have sat in their places of the House. Sir, it is my intention to move silent and consenting parties, and have allowed the following resolution : "That in the matter that to go on without demur, then they must of the breach of privilege that has arisen through not deal too harshly with the representative of the publicity of the evidence given before the the journal who has erred, as in this case ; and I Goldfields and Mines Committee in respect to the promotion aud flotation of certain dredging say, in respect to it, he has acted honourably, and has, at all events, taken the course to-day of claims by Mr. Cook, by the Dunedin Erening writing to the Speaker, and through the Speaker St., the House accepts as satisfactory the ex- to the members of this House, informing us as precession of regret of the representative of that to the ground of this matter, and that the real journal, and this House resolves to proceed no groundwork was, as stated by him, the great further in the matter." Now, Sir, the first question that will naturally be asked is, Is there importance to the people of the colony, and more particularly to those interested in the any precedent for what I am now proposing ? I say, Sir, that we have several precedents, and one which is more closely in touch than any was going to say the wickedness, but I would other is that of the Ward-Chapman case. say that they have suffered through the want of Mr. FISHER .- This case itself is unpre- honesty and integrity of many connected with cedented. Mr. SEDDON .- It is only a question of the promotion and flotation of these companies. degree. But, at all events, in this case and the Ward-Chapman case it was a member of the do with the course I am now taking. You must Committee who conveyed to another gentleman take into consideration what the object of the the evidence and what had transpired in the offending journal was. Was that object to set Committee, and that had been sent to the this House at defiance, or was it in the interests journal that was complained of. It was a Nelson paper ; and Mr. Luckie and Mr. Ward, of the people and as a duty that the Press, or this particular journal, did what it has done? the same as Mr. Cohen, expressed regret, and the House received the expression of regret, be judge of that ? and resolved to proceed no further in the matter. I do not know that this case is ex. and honourable members cannot gainsay it, actly on all-fours with that one. That was that the information was in the best interests of on the 7th August, 1874. Now, what has the colony, and especially Otago and the West led to this? Will members answer conscien- tiously that question ? If they do they must Coast. admit that in respect to the proceedings of a very large number of Committees they fre- come in ? quently tell reporters of the newspapers what put themselves in order before they begin to transpires on those Committees. order other people. It cannot be denied that it An Hon. MEMBER .- They always do. was in the best interests of the people of the Hon. MEMBERS .- No, no. colony. I know personally that there has been, Mr. SEDDON .- Well, I will say there are in respect to this flotation and promotion of a large number of members who do-I will not dredging companies, absolute dishonesty, and say the whole of them ; and if the gentlemen there have been convictions, which are now in the Press Gallery violated their honour those on record in the Supreme Court, and the men members who violate the Standing Orders are in gaol at the present time who have been would have to sit dumb. It has been the guilty of this "salting" and floating of dredging practice of members to convey such in- claims and the misleading of the investors. formation with respect to the proceedings of Then, Sir, I come to another question that Committees. That has been allowed to go on,



members must answer, and it is this: Has and to grow, and it has not become recognised by the Press that they have a right to this tion ? As Mr. Cohen has mentioned in his information ; at all events, they have en- letter, where it might have injured an indi- deavoured to get the information, and the vidual the journal took steps to prevent that information has gone into columns of news- being done; and as they have given both sides papers throughout the colony. It has been that dredging industry, and those who have 11.0. suffered, and are suffering, through-I Mr. FISHER .- What has that to do with it ? Mr. SEDDON .- I say that has everything to do with it. An Hon. MEMBER .- Should not the House Mr. SEDDON .- I say there can be no doubt, Mr HUTCHESON .- Where does the House Mr. SEDDON .- I say that members should there been any unfairness in this publica-

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actually what occurred, without comment, I say that the parties before the Committee, at all events, cannot complain. This brings it down to the position mentioned by the member for Wellington City (Mr. Hutcheson). He asks, " Where does the House come in ?" The House must be consistent. What has the House done in other cases where members themselves and those outside the House have done the same as Mr. Cohen has done ? Mr. ATKINSON .- What was done in the case of the Otago Daily Times and the Evening Post ? Mr. SEDDON. - In respect to either or both of those journals, they never received at the hands of this House, in my opinion, more than the best interests of the House demanded. But we are not dealing with them now, and the conditions may have been quite different at the time, and I do not remember the cases to which the honourable member refers. Hon. MEMBERS. -- Ha, ha ! Mr. SEDDON. - I hope, Mr. Speaker, these interjections will be stopped. Mr. DEPUTY-SPEAKER. - I have drawn the honourable member's attention to it ; if I have to do so again I shall have to name him. Mr. SEDDON. - I was saying that we must take the present situation into consideration ; that is all that is before us. I do not know a case where a person before the House has taken the course that has been taken. I believe, myself, it was the proper course. I thought at the first blush, without having seen the evi- dence and gone into the matter, that there ought to have been a penalty imposed ; but when I saw the evidence and looked up pre- cedents I came to the conclusion that all that members require, and what would meet the case, would be what I am now proposing. Now comes the question : Have you a precedent for this? Yes; there was a parallel case in the House of Commons, where the House of Com mons decided, as this House has decided, that there had been a grave breach of privi- lege, and the offender was summoned to the bar ; but public opinion was so strong in the interval in the interests of the offending party, and it had been of such material benefit to the public, that Mr. Disraeli, on the House meeting shortly afterwards, moved to discharge from the Order Paper the motion that he ap- pear at the bar of the House. In this case there is no doubt there has been good ground for bringing the matter before Parliament ; but no one could read the evidence without coming to the conclusion that it was really in the in- terests of all that it should be published, and had the Committee come to the House and asked it to allow it to be published that order would have been given. This was not done, and thereby a breach of privilege has been com- mitted. Very well ; a majority of the House could exact the last ounce of blood. They could negative this proposal of mine and call the gentleman concerned to the bar of the House. Naturally he would expect and ask to be repre- sented by counsel. Then we should have the Mr. Seddon stately bow to the Chair that is made so grace- fully by members of the legal profession. We should then have, no doubt, an elaborate speech carefully prepared, and, like drops of precious ointment, the salve would be poured into the wounds of honourable members. We should be sitting in our places and be inwardly saving, " It is all a piece of by-play ; the bringing of offending persons to the bar of the House in respect to trivial cases is all a farce." I am not mincing matters at all, and am not, perhaps, using dignified language, but it is applicable to what would be in members' minds. After that speech had been made by counsel, and after the representative of the Star had withdrawn, a mo ion similar to that I am now proposing would be made,

the House would debate it for some time, and there the matter would end ; or a penalty might be inflicted. Well, I should say, in respect to this case, that the highest penalty that could be inflicted would be one of about #51. An Hon. MEMBER. - Ob, \$500. Mr. SEDDON. - If we attempted to inflict a penalty of that amount, my opinion is that there would be such a feeling of revulsion in the country over the matter that any member who voted for it would have good reason to remember it. An Hon. MEMBER. - What about Mr. Watson ? Mr. SEDDON. - That is quite another matter. I think if we called Mr. Cohen to the bar of the House, after we had gone through the proceedings of personally calling him and letting him be represented by counsel, we should have a similar resolution to this submitted. Under all the circumstances, I do not think we should inflict a penalty, and I will tell you why. In the first place, we have this letter before us; and I think no honourable member will gainsay the statement therein made as to the necessity for occasionally having the proceedings of Committees made public for the benefit of honourable members and the country. There is also another point that has weighed with me more than all others in taking the course I am now advising the House to take-namely, that when Mr. Cohen was before the Committee he could, I think, very properly have said, "I should not be asked the question as to where I obtained the evidence." He might have said, "It is unreasonable to ask me to answer that question, because my reply may incriminate me." And what would honourable members have said if he had taken up that attitude? In accordance with all past tenets, they would have said that he had rightly refused to give evidence in reply to questions that would, to all intents and purposes, force him to admit that he had committed, as in this case, a breach of the law or of the Standing Orders. But, Sir, he did not do that, which proves that he did not wilfully defy the House or show contumacy. He did nothing of the kind. As far as he himself is concerned, he straightforwardly said, " Yes, I obtained it, and I obtained it in an honourable manner"; and I think every honourable member must

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He did not attempt to screen himself, nor there shall be power given to the Chairman of the leave it to some one else to be blamed. To Committee, subject to review by the Committee prevent that happening Mr. Cohen took it upon himself, to enable a precis of what has transpired upon himself to straightforwardly inform the Committee to be given out to the Committee that he had obtained the evidence Press. Both these courses are open, either of himself, and that he had transmitted it to the them being more satisfactory than the position Dunedin Evening Star. Then, when the next we are in at the present time ; and as a guide in question was put, as to whether he would tell this respect we have the procedure of the House the Committee who it was that had connived of Commons-the Mother of Parliaments. It at his obtaining the evidence, he said, " No ; cannot be said that the House of Commons I cannot do that with honour." I personally does not jealously guard its privileges ; but, no appreciate the course he took, and so must doubt, something must have been going on every honourable man. It is in accordance in the House of Commons similar to what has been going on in our House for years, and with the profession and its highest attributes that, in respect to information received in a ultimately they had to take the course that we confidential manner, the name of the person shall be compelled to take. Very well ; if we giving that information shall never be disclosed. did that it would be unfair in the interim to Well, if any argument is based upon that re- penalise the person or party that really called for it, and we are asked to punish because of our attention to the matter in such a way that that refusal, although we must come to the we had to amend our Standing Orders. And conclusion that there has been a breach of our as members' minds are, in my opinion, made Standing Orders, members of this House, in my up as to amending the Standing Orders in the direction indicated, I think our most dignified opinion, will say that all honourable men would do as Mr. Cohen did. Then, are you to punish and proper course is to carry this resolution and so end the matter. Good has come out of a person because he has acted honourably and in accordance with the highest attributes of his this breach of the Standing Orders, and as Mr. Cohen has

not been one to defy honourable profession ? Where there has been a breach of members or the House, or to wilfully evade the your Standing Orders you must do so; but that Standing Orders, but has merely done this from necessity has been removed altogether by the course that was taken by Mr. Cohen. Had he a sense of journalistic duty, I think we ought to take the course we are now taking. Mr. Cohen persisted in allowing matters to remain as they Cohen has been one of the fairest journalistic were we should have had to impose a nominal penalty, because there had been, first, the ob- representatives we have in the Press gallery. He has always been fair to members on both sides, taining, and, secondly, the refusal to give the and has fulfilled his duties in a most creditable evidence, which, of course, would have involved the giving-away of the second party. Now, under manner ; nor has he in the past transgressed in a matter of this sort more than any of the others. these circumstances, I think I have-I hope I have, at all events-by logical argument, shown Under all the circumstances, therefore, and to the House that the course we are going to take after carefully considering what may be said in regard to looking upon this as a precedent, the is the proper one. I shall deem it my duty, as leader of the House, to ask the House to amend Government came to the conclusion that the its Standing Orders, and to give a discretion to the best way out of the difficulty would be to take Committees - with the exception, of course, of the course I am now taking, and I submit it to those Committees that are dealing with matters members, feeling assured that a large majority will approve of it. And, what is more, I feel of a delicate or necessarily private character. In the ordinary business-work of the Commit- assured it will give general satisfaction from one end of the colony to the other, more tees our Standing Orders want to be amended, especially the proposal. in the interest of the ought to be amended, and will be amended, so that we can take away from honourable mem- public and public business, to amend our Standing Orders, so that members can obtain hers that which is repugnant in many cases to information which, in my opinion, they are their feelings. The position in which they justly entitled to. I move the resolution, Sir. are placed must be repugnant to members who many a time are asked by representatives of the Press of their own district to give information is put, Sir, I should like to say one or two words about it. I think the House looks to about petitions or matters affecting those parti- the leader of the House to defend the privileges cular districts. If they refuse to disclose that of the House ; but I regret to say, although I information to the Press representative, then to do not like to say it, that in this instance some extent they suffer for it. If; on the other the leader of the House has not defended the hand, they give it, they commit a breach of privileges of the House. The House has de- the Standing Orders, and we are putting declared already that this was a breach of the Press representatives in a somewhat false privilege, and the case is not on all-fours with position, because they have to give something any case that the Premier has quoted, and for to those members of the Committee in return. this reason : that in no case that the Premier Such a condition of things as that requires to has quoted has the House previously declared be altered and removed, and it will be for the that a breach of privilege has been committed. House to decide whether they will allow Com- mittee proceedings to be open to the Press, the Committee having the power at any time Mr. J. ALLEN (Bruce) .- Before the motion Mr. SEDDON. - Oh, yes. Mr. J. ALLEN .- Not until after the Com-

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the Premier has quoted. Now the Premier has changed front over this question. Why? I know not. Political exigency perhaps. Sir, I do not think political exigency ought to in- fluence the Premier or any other member when he is dealing with our own privileges. I do not say even that the privilege is one we ought to have ; I do not care whether the Standing Order is amended or not-and, Sir, with regard to the motion which the Premier intends to move by- and. by, of what value is it? It is perfectly useless. He has amended the Standing Orders by what he has done to-day, and in the most effective way made them not worth the paper they are written on. Some of us have been led to know that by previous experience; now we know it by still wider experience ; and the Pre- mier has abrogated the functions he has held, and I

say has acted unworthily as the leader of the House and the defender of its privileges. Sir, I take the House back to a few years ago, and I recollect an instance which the Right Hon. the Premier cannot, and has not, I am sure, forgotten. This question which is before us now is not a single question of breach of privilege. It divides itself into two, if not into three, questions. There is the publication of this report against our Standing Orders. No-body denies that is a breach of privilege; the House has affirmed it is a breach of privilege. Let me deal with that, first of all. It may be right-I do not think it is-but it may be right for the House to pass lightly over that breach of privilege, and, as upon previous occasions, to say, "We will accept the apology of the person who has committed this breach of privilege and go no further." The House might do that; I do not think it would be right to do it. I think we have done it in the past too often; and the fact that we have so done it has permitted others to come forward and commit other breaches of privilege, believing perhaps, that they will be treated as others have been treated in the past. That is one case only. There is another and, to my mind, a more serious case, for which there is a precedent, and upon which the House acted in the past. I refer to the fact that when a certain gentleman was brought before the Privileges Committee to give evidence he refused to answer a question. An instance occurred before in the history of this Parliament. And, Sir, what happened then? The gentleman who refused to give evidence was called before the bar of the House, and the result was that he was fined £500. Mr. HORNSBY. - A different case altogether. Mr. J. ALLEN. - An honourable gentleman says it was a different case. I admit it was different in degree, but there is not one particle of difference in principle, and I know that the Premier in his inmost heart must feel that to refuse to answer a question put by a member of a Committee of this House-to deliberately refuse - I know that he must think that is a wrong thing for the House to allow to pass without any punishment whatever. I know Mr. J. Allen the responsibility of acting on a previous occasion, and got the House to order a fine of \$500; and yet, Sir, in this instance this is to be lightly passed over as a thing of no moment whatever. To my mind, the principle of the thing in both instances is exactly the same. I admit there is a difference of degree; I admit there are extenuating circumstances; I admit that Mr. Cohen, who is particularly interested here, might be forced by journalistic etiquette to refuse to answer. But, then, if he does so refuse, he knows the consequences, and he takes the consequences-takes the consequences deliberately. And if the consequences are to be nothing, if the consequences are to be laudation and commendation from the Right Hon. the Premier, I say that nobody need ever answer questions before a Committee of the House again. If the House is going to put up with that, the House is abrogating its functions, and putting itself on a footing, to my mind, that is a disgrace; and I do not think for a moment the House will as lightly as the Premier thinks pass over a matter of this kind. Mr. SEDDON. - Move an amendment. 11.30. Mr. J. ALLEN. - I shall not move an amendment. You are not going to catch me like that. The Premier must take the responsibility of moving in such matters. I simply wish to put my opinion before the House and the country. I say again there is now no compulsion for any witness who comes before any Committee of this House to answer any question. None whatever. This is a precedent for every man to refuse to answer any question before any Committee of this House; and it is a bad precedent, one that has not existed in this House before, one that is quite contrary to the feeling of the House, and the responsibility for it rests with the Right Hon. the Premier. Sir, the Premier has urged extenuating circumstances. There may be extenuating circumstances. It may have been in the interests of the people to publish all this evidence. Sir, I say without any fear, and believing what I say to be right, that this evidence was published, it may be true, in the interests of the public, but more in the interests of the paper that published it. And, Sir, if that be true, and I do not think it can be denied. I do not think the Premier ought to pass over in the light way in which he is passing this over what is obviously a breach of our privileges, and which the Premier knows to be a breach of our privileges-privileges which he must know ought to be respected. It may be the Standing Orders need amendment. That is another question. It is a question for us to consider presently. It is not

the question now. The Standing Orders are there, and they have been broken by an outsider, by one who is not a member of the House. It does not matter whether it was in the interests of the people or not that the evidence should be published. The breach is there, whether it was in the interests of the people or not. The breach, I say, has been committed, and it is a great

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pity that in past days these breaches were passed over so lightly as they have been, for if they had not we would not have had a similar trouble before us to-day. I regret the House has nobody to lead it on this particular occasion. I regret that the Premier has changed his front. I know that it is not his inward opinion. I regret that the day has come to this Parliament when - I use the word advisedly - its privileges can be flouted, when it can allow its Standing Orders to be set at naught, not by members inside, but by those outside, and when punishment is not to be meted out for any breach, but commendation of the person who commits the breach by the person who rules this Parliament. I think this Parliament is descending to a level lower than it occupied a few days ago, and that we are going down and down in the scale of parliamentary work, and one knows not where it may end. I thought we had some honour and feeling, that we were an august assemblage to represent the people ; but, Sir, this is not representing the people. It is succumbing to outside influence, and it is a pity that Parliament should fall and degrade itself, as I believe it is degrading itself in this instance. It is said outside that this is a matter of no moment, and that we are making a great deal of nothing. I do not hold with that opinion. I do not want to magnify the matter to too great a degree, but I do look with respect on the privileges I possess as a member of Parliament, and I believe every other member does the same, and desires that those privileges should be free for those who come after us as well as for ourselves. I regret the Premier has taken the step he did to-day, and has degraded the House by so doing. I am not going to move an amendment ; it is not my duty to move it. I am only an individual member of this House. I exercise no authority in this House except my own individual authority. I express my own individual opinion in this matter. The entire responsibility for action rests with the leader of the House, and if he is to lead us in the direction in which he wishes - I suppose we are not strong enough to stem the tide in which he is dragging us down - I, for one, will be only too happy to record my vote against the motion, if I have an opportunity of doing so. Mr. FISHER (Wellington City). - Sir, I agree with the member for Bruce that the whole responsibility in a question of this kind rests with the Premier, the leader of the House. And I very much regret the attitude of the Premier. Upon any question affecting the privileges of Parliament I speak in the most utter disregard of the feelings or opinions of members of the Government side of the House, or of the feelings or opinions of members of the Opposition side of the House. It is not with me a question of party. I speak as a member of this House in defence of the rights and privileges of Parliament, and I care not who leads. As the Premier has led us to-day, I say that lead will never be satisfactory to me. Sir, in order to put before the House a definite issue, I propose the following amendment :- VOL. CXVIII .- 23. "That the House having declared the publication in the Dunedin Star of the 23rd August and of the 27th August of evidence taken before the Goldfields and Mines Committee to be breaches of privilege, and Mr. A. E. Cohen, the representative of the Dunedin Star, having refused to state who furnished him with the shorthand report of the evidence, he be fined in the sum of \$25 for each such refusal, or \$50 in all." What are the facts surrounding the publication of this shorthand report ? It is said that in such cases as this the newspapers are prompted only by a desire to further the public interests - that they are anxious to keep the public fully informed. At the threshold, then, I ask, why did not the newspapers endeavour to give the public some idea of the merits of this particular case ? A Committee of this House has investigated the manner in which the shorthand report of the evidence taken before the Goldfields and Mines Committee was obtained. It has come to a resolution. It has submitted to this House a report upon the circumstances of the case so far as it has gone. Have the newspapers, usually so avid, as they profess,

to keep the public fully informed, to this moment published the report of the Privileges Committee, so that the public should be possessed of all the circumstances of the case? Not one word of that report has been published. We have had printed in the New Zealand Times some trashy articles relating to some antediluvian proceedings in the Imperial Parliament. The articles are quite wrong. They are all upside down ; but that, I suppose, does not matter. But we are not dealing with these ancient relics. We are dealing with the circumstances of to-day, and with the privileges of the Parliament of to-day. That is what we are here to discuss. What have we to do with the desire of this particular newspaper to supply the public with information regarding the dredging industry of Otago ? We have nothing whatever to do with that. It would have been easy for the Premier, without lowering the dignity of the House, to show that this evidence should be published in the public interest. Then, the proper course would have been to ask the House for permission to publish the evidence. Parliament would then have stood on firm ground. There would have been no violation of the privileges of Parliament ; there would have been nothing that could cause a jar to feelings of the members of this House. But what has taken place is this : The evidence taken before the Goldfields and Mines Committee is stolen. A bare-faced robbery has been committed, and I am very deliberate in the selection of my language. The Privileges Committee is unable to discover who committed the theft. But a witness is called before the Committee who tells the Committee point-blank that he did receive the shorthand report of the evidence, and he refuses to give up the name of the person who gave it to him. That witness, I say - and the language is neither strained nor vulgar - is in the possession of stolen goods, and, instead of offering any palliation of the offence, we, the Parliament

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calcitrant witness in a patronising way, and as if he had done something of a highly honourable character ! If the evidence was obtained in an honourable way, who is the man who gave this information to Mr. Cohen? Why should we not know the name of this " honourable" man ? The Premier tells us that after this motion is disposed of he will move an alteration in the Standing Orders to meet all future similar cases. Sir, let me tell the honourable gentleman - as he well knows - that his intended action in that direction is quite unnecessary, for hereafter the privileges of this House are in the hands of Mr. Cohen, and not in the hands of the Premier. If the motion of the Premier is carried, the House may expect no more secrecy from me in regard to what takes place at meetings of Committees, for upon that motion being carried by this House I shall immediately, if it so pleases me, hand to any representative of any newspaper anything that transpires at any meeting of any Committee of which I may be a member ; and I say that not by way of threat. Now, we have examined every member of the Mines Committee, we have examined all the witnesses who appeared before the Mines Committee, and all except one witness - Mr. Cohen - denied absolutely all knowledge of the manner in which this shorthand report of the evidence taken before the Mines Committee was disclosed. And if we are not to believe the Mines Committee as a whole, who can we believe? As things now stand, is not every member of the Mines Committee under suspicion ? Is not every member of that Committee entitled to feel aggrieved because of the evidence taken before that Committee being published in a newspaper ? Every one of them may be charged with having given the evidence to the public in this clandestine and surreptitious way. The Premier quotes a case that occurred in 1874. Let me first refer to Mr. Cohen's letter - I think the Premier called it Mr. Cohen's letter - which is addressed to the Speaker, and through him to the House. A more nonchalant, impudent thing I never listened to. Mr. Cohen kindly gives Parliament advice and guidance as to the course it should adopt in all such cases to avoid difficulty in the future. The patronising air of the letter aggravates the offence tenfold. Mr. Cohen must have felt great confidence in the strong support behind him. Who is behind him? It would seem that in future we had better submit all questions of privilege to the gentlemen who sit in the newspaper reporters' gallery, for evidently they form the ruling power. Then, I would ask the House to observe that Mr. Cohen consistently tells the Committee and

the House that he admits the technical breach of the Standing Orders. The House by resolution had previously declared that a breach of privilege had been committed. Was it not kind of Mr. Cohen to admit that he had committed a breach of privilege. That was, I think, extremely kind. So we have Mr. Cohen's kind- Jir. Fisher the other. I was going to ask the Premier. when he gave us that magnificent testimonial of Mr. Cohen's ability as a journalist, whether he intended to append the testimonial to the resolution of the House. Then, again, Mr. Cohen kindly absolved the shorthand writer and the Secretary of the Committee from blame. He is so magnanimous as to say that, whoever the person was who handed him the shorthand writer's report of the evidence taken before the Goldfields and Mines Committee, it was not the Secretary or the shorthand writer. That, too, was kind of Mr. Cohen. In a patronising way he says, "Who- ever you may choose to blame, you ought not to blame these two officials." Mr. Cohen is willing to aid us in every possible way except to tell us the name of the man who gave him the report of the evidence. What is the use of publishing the evidence now as part of the proceedings of the Committee ? The evidence of Mr. Easton and Mr. Cook has already been published in the Dunedin Star, it is published in Hansard, and then we shall witness the farce of seeing it laid on the table of the House with the report of the Committee. That will form a fitting part of the pantomime indulged in by the Premier this morning when he said there would be so much about bowing and scraping at the bar of the House and pandering to the dignity of Parliament. I agree with the member for Bruce that that was a very undignified position for the leader of the House to take up. It would have been much more satisfactory to the House if the Premier had dealt with this matter in an open and straightforward manner. If the Premier's resolution is carried, I ask. Sir. who leads this Parliament, the Right Hon. Mr. Seddon or Mr. Albert Elias Cohen ? Does it not show to what dire straits the Premier is driven when he is shut in to quoting one precedent, which does not touch this case in the most remote degree. This is his precedent, quoted from the proceedings of the House of the 7th August, 1874. The concluding sentence of the report of the Joint Committee on the question of privilege in the case of the charges against Judge Chapman is this :- " Your Committee are of opinion that a breach of privilege, for which Mr. Ward and Mr. Luckie are primarily responsible, has been permitted by the publication of this telegram." You cannot get one case on all-fours with the case now under the consideration of the House. Does the publication of a telegram in any way correspond with the deliberate and donant publication in the Dunedin Star of eight columns of evidence which was taken by the parliamentary shorthand writer before the Goldfields and Mines Committee? Not at all. Then, what happened in that case ? Mr. Luckie, in his concluding sentence, said,- " He trusted that, having made this explanation and apology, his remarks would be taken in the same frank spirit by the House as they were offered by him." There is an explanation and an apology. Where is the explanation and apology here ?

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gallery mere advice as to the manner in which the House ought to conduct its business. I say that any member of this House who can brook such an insult ought to be compelled to stand a great deal more. But it is perfectly clear that Mr. Cohen knows the full strength of the support behind him. Then, after the explanation and apology in the Chapman case, the House adopted this resolution :- "That, in the matter of breach of privilege that has arisen through the publication of the purport of certain evidence given before the Ward-Chapman Committee, the House, having considered the report of the Select Committee, accepts, as satisfactory to this House, the apology of Mr. Luckie for having been the means of publishing this evidence,". That is all we want. We want to find that " honourable " gentleman-whomever he is-who was the means of publishing this evidence. That is the gentleman we want to find ; and there was a witness before the Committee who can give us the name of that person, but refuses to do so. The report proceeds,- "-and the expression of regret made by Mr. Ward before the Select Committee for divulging his evidence ; and this House resolves to proceed no further in the matter." It would be absurd to ask any man outside a lunatic asylum whether he could see any resemblance between the two cases. There

is the Watson case, which was before the House in 1895. (Hansard, Volume 93, page 288.) The honourable gentleman's action in that case was -as we always expect it to be in the case of any leader of the House-in the direction of protecting the privileges of the House ; and if the honourable gentleman's action in that case was so right, why in this case has he proved himself to be so wrong ? And I wish to put one other point in connection with the matter. I feel bound to say to the honourable gentleman that I think it a poor tribute to the intelligence of members of this House to ask them to listen to that farrago of nonsense, that too obvious rhodomontade, which he poured out this morning to induce us to arrive at a certain conclusion. That is a sorry compliment to us. If he wants to convey the idea that we are the reverse of intelligent, let him say so in direct language-let the idea be expressed in plain terms. Sir, I am firm in the belief that there is no precedent for this case. Ask all the oldest of parliamentarians in the House to produce a parallel case if they can. I know they cannot. I have quoted the case of a telegram. In another case, in the House of Commons, a letter is used. But you do not find a case in which the property of the Crown is stolen, that property being in the form of an official shorthand-writer's report, which occupies eight columns of the Dunedin Star. You can find no case where the property of the Crown, paid for by the Crown and the people, has been stolen. You will find no case in which the property of Parliament has been stolen in such an open, bare-faced, and defiant manner. There is no parallel for it. Therefore I say to members on both regard this question as affecting members of one party or the other. I have no right to lecture members of this House. Every member understands what is expected of him in such a case as this. There need be no doubt in the minds of honourable members as to what course should be followed. I do say that the House has now reached a point where it ought, if ever it ought, to make a stand. Its rights, its powers, and its privileges have been assailed in a calm, deliberate, and defiant manner. I have no right to ask, Who are the persons behind Mr. Cohen; who are the persons advising him in the course he is adopting ? I have no right to say that Mr. Cohen had a previous assurance of the course proposed to be adopted by the Government in his case. I have no right to say that the knowledge of that assurance on the part of the Government has led him to take up this defiant attitude towards Parliament. I have no right to say these things, but appearances point very much in that direction ; or, suppose he has not been so advised, the appearances could not have been more convincing had that actually been the case. Mr. Cohen has no fear as to what this House is going to do, for he has been advised by certain persons. He has certainly been advised by the newspaper fraternity as a whole. Yet I qualify those words, "as a whole," for there are newspapers and newspapers, there are reporters and reporters. As a Parliament we have to do this : We must pay some regard to the interests of another class of journalists, whom I may describe as the honourable journalists of the profession, and who wish to be protected from imputations of this kind. Such an honourable journalist might say, "I really wish that Parliament would step in and protect itself in the way it ought to protect itself, because I do not want to be driven to these back-door methods of obtaining information." It is the back-door system which I so much object to. It is this back-door system that has made me feel hurt over the matter, because it has been impudently described as an "honourable" method of getting information. I say the manner in which this evidence was obtained is to be condemned on all grounds. The man who gave it to the representative of the Dunedin Evening Star has not pursued an honourable course. If he had done so, why does he not come out into the open and show himself ? What need has he to shelter himself behind the refusal of Mr. Cohen ? Why does he not come out as Mr. Guinness did when a member of the Public Accounts Committee, when that Committee reported as to the manner in which some of its evidence had been disclosed ? Mr. Guinness frankly said, "I gave the information, not knowing it was a breach of privilege." He made that explanation and apologized. That gave complete satisfaction. I have cited the case of the telegram in the Chapman-Luckie case, and the letter in the House of Commons case. Then, we come to another class of cases-cases where a member of a Committee



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an abstract of the proceedings of the Committee. He gives merely an abstract to the newspaper reporter. He does not give away the whole of the proceedings of the Committee, nor does he give away the property of the Crown, the shorthand-writer's report, which is paid for by the moneys of the people. If it were a right thing to do to give away the property of the Crown in that way, why not give it honestly and openly and fearlessly to all newspapers, and not merely to one? Why should all other newspapers be barred from the publication of this evidence? This is the point at which the honourable gentleman defeats himself : Why should all the other newspapers be debarred from publishing this evidence, which is said to be of such great interest to the people of the colony ? If it is of such great interest to the people at large, was it not only fair that it should be given to every newspaper in the country? Why should this evidence become the exclusive property of one newspaper? If, then, it was of so much interest in especial to the people of Otago, or to the people of Dunedin, why not publish it also simultaneously in the Otago Daily Times ! Honourable members say that would not do ; but the ground urged by the Premier this morning was that the aim, the object of the publication of the evidence, was to inform the public at the earliest possible moment. Then, the honourable gentleman referred to those direful swindles- I think he used the word "swindles " - by which the public suffered, and he said it was desirable, therefore, that the evidence taken by the Committee should be placed before the people at the earliest possible moment. Very well, why not publish it in all the newspapers? There ought to be a report for the scrupulous journal, as well as for the unscrupulous. Why should I, as a journalist, why should any other man as a journalist, have to bow and scrape, and plot and plan, and go up the backstairs to get information in this dirty and dishonourable way ? And then the man who does this dirty business is lauded and defended by the Premier of the colony on the floor of this House. It is incredible. Sir, I say in conclusion that if the motion of the Premier is carried this will be the last, so far as I am individually concerned, and I am entitled to be the judge of my own action- I say if this resolution is carried this is the last question of privilege for me in this House. I shall talk no more of the privilege of this House in future. If I choose to give to a reporter anything that has transpired in Committee I will do it if I please, and your parliamentary privileges may go hang. I would not be surprised if other members adopted the same course. With regard to the suggestion that after this motion is carried we shall amend the Standing Orders, may I assure the honourable gentleman that that course is quite unnecessary ? This resolution, if carried, settles all question as to the validity of the Standing Orders. They will no longer have any validity. The honourable gentleman might have proposed to go one step Mr. Fisher the Press representatives in the reporters' gallery, asking them to be good enough to revise them, and submit the result to this House for its adoption. That would be a fitting conclusion to his motion. That is what we have come to now. Sir, I have as much interest in the dignity of this House as any man in it, but I think the way to protect that dignity is not to adopt the course suggested by the Premier. I am very glad things have come to such a pass. I think the result of this case will be that we shall arrive at some final settlement in regard to the position of these reporters and the evidence taken before Committees of this House. As to the alteration of the Standing Orders with a view to the admission of reporters to the meetings of Committees, if the House chooses to adopt such an absurdity as that - Mr. SEDDON .- There is a precedent for it. Mr. FISHER .- I have read all the trash printed in the Wellington newspapers about the proceedings in the House of Commons : but does the honourable gentleman suppose that in the abstract or precis that appears in the London Times they would print the same twaddle that would be printed in this country with regard to the proceedings of Committees. When reporters are admitted to the meetings of Committees of this Parliament the public would probably be informed with great delight of what the newspapers would call a "scene " between Mr. Fisher and some other member of the Committee, but they would never see any honest report of the real business transacted by the Committee. The Committee-room would be the playground of the

reporter. I know when a reporter does his work and when he does not. Mr. DEPUTY-SPEAKER .- Your time is up. Sir J. G. WARD (Minister for Railways) .- Sir, the two speeches that have been delivered by the member for Bruce and the member for Wellington City (Mr. Fisher) have had imported into them a great deal of unnecessary amount of heat. It makes one wonder what is at the back of it so far as those two honourable members are concerned. What is the propriety of the last speaker in the amendment he has moved ? He has been declaiming with a great deal of bitterness about conduct that he criticizes as dishonourable ; but his amendment is to try and compel the representative of the Dunedin Star to do something that would be absolutely dishonourable. He asks that, in consequence of his refusal to do that which is and has always been recognised by the journalistic profession as dishonourable, he should be brought to the bar of the House and fined 525 because of his refusal to do a dishonourable act. and by such a process he possibly hopes to induce him to do something which would be most dishonourable. In addition to this, he proposes by his amendment to inflict penalties upon the publisher and the reporter without either being heard in their defence at the bar of the House. Could anything be more unfair or unjust ? Now, take the honourable mem-

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ber for Bruce. The honourable member has the paper and the representative of the journal -for what reason I cannot understand-but it said that the course proposed in this motion moved by the Right Hon. the Premier is dis- does appear to me that some members, if they creditable to the House. He wants more. Where, can, in order to get at some one else, will hit a man below the belt. They are not above doing I ask, was the honourable gentleman when a it, even under the plea of maintaining the privilege of breach of privilege in this House was a breach of Parliament. Why, I ask, should we before us ? Where was he when a breach of exact more from a member of the Press than privilege, relating to a member on that side of from a member of Parliament in such cases? the House who had disclosed information in If a member of Parliament commits a breach regard to the proceedings of a Committee which the House declared by resolution to be a breach of privilege, and expresses regret, the House condones the offence and accepts the apology, of its privileges-where was he when a motion was moved by the Premier declaring it to be a breach and when you have the representative of a journal -breach of privilege-where was he when that member who admits that a breach of privilege has been committed, and has given his reasons for motion was before the House ? 'The records of having committed it, and when he has written the House show that he was here immediately and expressed regret for having transgressed before the division, and most of his party voted the rules of the House, as is the case in the against it entirely in the interests of a member communication read by you, Mr. Speaker, to the on their side of the House ; and the honourable House, what is the ordinary course to adopt ? member for Bruce disappeared from the House when the division took place, and immediately Why, that the apology or expression of regret afterwards he came in, and the records show he is accepted. But that is not enough for the honourable members who are so bitter. They voted against a proposal to adjourn the House. desire more, and we are asked to proceed further- The honourable member, when a breach of privilege was committed by the then member there against the only man who can give us the source of his information, and who has given for Patea, was silent. Not only was he silent, but he absented himself when the motion was put his reason for adhering to what every honourable member must admit was the only proposed to uphold the dignity of Parliament. And now what do we find ? The honourable honourable course a journalist could take without committing a breach of journalistic ethics- member suddenly magnifies himself into a protector of the dignity of Parliament, an upholder of the privileges of the Parliament of this country- conduct-without, in short, acting a most dishonest part. He thought nothing of either its dignity honourable part. We are asked to pass a resolution or its privileges on the former occasion ; but placing the representative of a paper now, with some other object in view, the course in a worse position

than members of the House when breaches of privilege have been suggested by the Government is not enough for committed ; we are asked to martyrise the him : he wants a heavy penalty imposed on the reporter and to magnify the Dunedin Evening publisher and reporter of the Dunedin Star. In every instance since I have been a member Star, and to bring it into even still greater prominence by bringing the representative of this House, when a breach of privilege has and the publisher of the newspaper before been committed by a member, what has been done by Parliament ? In order to sustain the the House, and fining each of them £25. say it would be bordering upon an absolute privileges of Parliament they have moved a farce to do so. My honourable friend the mem. resolution similar to that now before the House -first. declaring by resolution that a breach of ber for Franklin knows that when the matter cropped up in the House in the first instance privilege has been committed -and we have he suggested that a Committee should be set already done so in this caso-and then by reso- up, and that the suggestion was made by him lution deciding to go no further in the way in order to avoid the very thing we are now of the imposition of a penalty, and that is also asked to do. The suggestion was made as what we now propose. On previous occasions against my proposal to call the publisher and the honourable member for Bruce has not been found upholding the dignity and privileges of the reporter to the bar of the House, and in order to obviate what I believe to be an abso- the House, as he is so anxious to do in this lutely useless, idiotic farce of having men at case ; the honourable member went out just the bar of the House and asking them ques- before the division, and came back again as soon as the division had taken place, and said tions, as was done in the case referred to by the not one word when the matter was being dis- honourable member for Wakatipu-that of the late President of the Bank of New Zealand. I cussed. That was how he upheld the privileges say, to bring them to the bar of the House, of Parliament on that occasion. Now, why to hear them say they regret that honour- should we exact a penalty from a news- able conduct will not permit them to give paper, whatever the newspaper may be, information to the House, and then to go any more than from a member of the House through the farce of inflicting fines, which who has committed a breach of privilege ? the men themselves do not pay, is absurd. I entirely put aside all feeling, such as appears Members are asked to go through the farce of to be introduced by some honourable members bringing them to the bar of the House and against this particular journal, or the repre- inflicting on them a fine which they would not wntative of that journal. Judging from some themselves pay, but which others would pay, of the observations that have been made, I infer and all this in order to uphold the musty, that there must be some feeling against both I

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fusty privileges of the House. That is what we are asked to do. The member for Franklin knows that when the matter first came up in the House the members of the Government, through myself, in the absence of the Right Hon. the Premier, wanted to do what we con- sidered was the right thing. We wanted to go about it in the way we thought would be the best to ascertain where the information came from, and to avoid the farce, if possible, of bringing the publisher and the reporter before the bar of the House. This Committee was set up in order to avoid that course. Some members of the House said we ought to bring to the bar of the House the publisher and the reporter, and that the setting up of the Committee was a mistake. However, the Committee was set up, it has inquired into the matter, and has endeavoured, with- out success, to find out where the informa- tion came from. We know that the representa- tive of the Dunedin Star, if he chose to act dishonourably, could disclose the source of his information ; but as he will not disclose the name, and rightly so, then some honourable members of the House want the publisher and the reporter to be fined, and they think that will be the way in which the privileges of the House will be maintained. Personally, I regard the whole thing as an absolute farce of the first . order ; and if you brought the publisher and the reporter to the bar of the House and fined them £25 each they would be delighted. They would not personally pay ; the company they belong to would pay the money ; their paper

would get a magnificent advertisement, and the privileges of the House would be maintained, and all by a penalty of \$50. We know that in the past members themselves have committed breaches of the privileges of the House, and the House has been satisfied with an apology from them and no fine. In one case the late member for Patea said he would do it again. Members who are now anxious to maintain the privileges of the House did not suggest a fine of £25 or of \$50 on that occasion, when the Premier asked the House to go no further than to merely put on record that a breach of privilege had been committed ; on the contrary, some of them looked on an ordinary resolution of the House, indicating the fact that a certain member had committed a breach of the peace, as so distasteful that they would not even stay in and vote for it. That is the way in which some members regarded the matter. Now, I wish to say that the keen criticism of the honourable member for Wellington City (Mr. Fisher) has done a great injustice to the representative of the Dunedin Evening Star. The honourable gentleman has asked why this information was not published throughout the length and breadth of the colony. Does any honourable member mean to tell me that if any other representative of a journal in the colony had got hold of the information he would not have published it? If he had obtained that information in a proper way, as the representative of the Dunedin Star states he obtained it, would he not have published it ? Sir J. G. Ward

Mr. W. FRASER .- What is "a proper way"? Sir J. G. WARD .- What is the use of the honourable member asking " What is ' a proper way '?" Does the honourable member mean to tell me that since he has been a member of the House he has not given information ? I saw an honourable member on one occasion beating a hasty retreat from the former head of a Government, after he had gone from a secret caucus.

Mr. MONK .- You are accusing ; you cannot prove it. Sir J. G. WARD .- I am not accusing. I was there on the occasion. Mr. MONK .- You do not know what I said. You are now making a charge that has no foundation. Sir J. G. WARD .- I know what I am referring to. The honourable member went to a caucus, which met for a particular purpose. and he was housed very carefully in the bosom of the late Premier of the country, and when the right honourable gentleman the present Premier, and myself, and another, I think, who were appointed a deputation to go down to interview the Premier, went, we found we were forestalled by the honourable gentleman, who was there before us, and he says he did not disclose anything. I say, Sir, the honourable member knows that that took place; and yet we have my honourable friend saying he never did anything of the kind. An Hon. MEMBER .- Do not import any heat into the discussion. Sir J. G. WARD .- I shall not do so for the Now, Sir, all I say is this. While world. honourable members may rise to condemn the fact that a wholesale divulgence of the evidence has gone on in this instance, there is not a member of this House " but knows that information from these Committees has frequently appeared in almost every journal in the colony before it has reached the House, and it has been got from honourable members, and that hitherto it has never been regarded as a crime to do so. It has never been regarded as an improper thing to let representatives of journals know what is going on in connection with the public affairs of this country. I say Mr. Cohen, when he got this information, did as any other member of the Press would do : he sent it to his own journal. Now, Sir, does this resolution which is proposed by the Premier detract in any way from the dignity of this House ? Mr. FISHER .- What about his instance of 1874 ? Sir. J. G. WARD .- Oh, I am not going into the instance of 1874, or any old precedents : I am trying to apply a little common-sense to the whole procedure, and I say where a representative of a journal, following not only the etiquette of journalism, but is doing that which no honourable member of this House could do other than commend-refusing to give away the source of the information obtained by him -- it would not be right that we should try to force him or force his journal, by imposing a penalty of £50, to give away the name. I say

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we would be doing that which could not raise | honourable man, and he assures us he got it in an honourable way, and I have no doubt when the dignity of this House in the slightest pos- he says so that

he got it in a proper way. This sible way. Now, what is the corollary of the information which he obtained, and which he action proposed by the honourable member for says he obtained in an honourable way --- Wellington City (Mr. Fisher) ? If we brought the representative of the Dunedin Star to the bar of the House-either the reporter or the publisher-and fined them each \$25, and they very freely words such as " surreptitiously " and other strong terms; but I say if I were the still refused, we should have to bring them representative of a journal, and if an honour- again before the Committee, and ask them to disclose the source of their information, and, if able member came to me with some informa. tion which was of public interest, I would not they still refused, to bring them back before the House and fine them again, and so on. That ask him where he got it, or how he got it, or anything of the kind. I would, if it was a is what the House would have to do, because, if the House inflicted a fine of £25, and then, not doing a dishonest or improper thing. My according to some honourable members, went opinion is that the proprietors of the Dunedin no further, it would be bringing a great amount of indignity on members of this House by going its representative here by £100. He is a keen through the farce of proposing a penalty of £50, and smart man, and has simply done his duty ; and stopping there. Mr. W. FRASER .- It was done before. and if he got hold of that information properly, and did not send it to his paper, then he ought Sir J. G. WARD .- The House, you say, did it in the case before. Yes; we fined the Presi- not to be here. Any other reporter would have dent of the Bank of New Zealand \$500 for re- done so if he got the chance. The course fusing to do that which, as the representative ber of Parliament-has been what I have sug- of the institution, he regarded as a dishonour- gested. I remember the case of a member able thing to do. And so, I say, it would have been a dishonourable thing if he had done so. of this House who gave away information from And he had taken an oath, also, not to disclose a secret Committee-and he declared that he information of that kind; and this House, in information, and he said deliberately that he order to satisfy itself in that matter-did what ? It imposed a penalty of \$500. And who paid it ? The Bank of New Zealand. Mr. PIRANI .- How do you know ? Sir J. G. WARD .- Well, it has been said so Mr. George Hutchison, and there was not a member of this House who was then in favour repeatedly ; and it is perfectly well known that of imposing a fine of even £5. the President himself did not pay, and I do not suppose the honourable member for Palmerston paid it for him. Mr. TANNER .- What became of it ? honourable member giving information in that Sir J. G. WARD .- I know the Library Com- mittee, of which the honourable gentleman is a member, wanted to get that £500; and that shows, perhaps, that some honourable members may have been actuated by a desire to increase the source of his information. the funds of the Library by imposing a penalty of \$500 ; but it had no effect whatever so far as the breach of privilege was concerned by the and the publisher \$25. I do not care where he President of the Bank of New Zealand. An Hon. MEMBER .- It swelled the surplus. got the information from. I know the informa- Sir J. G. WARD .- Yes ; and in turn the Government increased the Library vote, as choose to disclose the source of that infor- honourable members know. That \$500 was, at the time, a solatium to the wounded feelings of honourable members, because a man would not commit a breach of trust by disclosing, before appears to me that some members are actuated the Committee, information which he had by other motives. Some members have made up their minds where this information has come sworn not to divulge to any one. An Hon. MEMBER. - It was quite a different are doing-the man they suspect a grave injus- thing to this. Sir J. G. WARD. - Very different-the differ- ence between Tweedledum and Tweedledee. Very well, in this case information reached the journalist. I do not know how he got it. An Hon. MEMBER. - No, "obtained it." Sir J. G. WARD .- Well, it has reached him. If he obtained it it reached him; but to use the of the Press, like the honourable member for word of the honourable gentleman I will say Wellington City, trying to force a journalist to " obtained "; but the Star representative is an An Hon. MEMBER .- He was a receiver. Sir J. G. WARD .-- Members are applying public matter, take it and use it. Sir, he was Evening Star ought to increase the salary of taken all along-ever since I have been a mem- would give it away again if

necessary - secret would do it again, and defied the House. An Hon. MEMBER .- Who was that ? Sir J. G. WARD .- The member for Patea, An Hon MEMBER .- No comparison. Sir J. G. WARD .- No comparison! An case-it was just as important by way of comparison as a member giving information to the representative of a journal in this case, and in maintaining his honour in refusing to disclose The whole thing apparently now turns on the fact that Mr. Cohen refuses to disclose the source of his information ; and you want to fine him £25, tion has been got, and a breach of privilege has been committed, and, Sir, if he does not mention that is his business, and, as a matter of honour, he is in that respect right. It from ; they may be doing -- and I believe they tice. They want to injure a third party and cast reflections on somebody in connection with this matter. I say nobody knows where this information comes from. Mr. FISHER. - Mr. Cohen docs. Sir J. G. WARD .- Yes, he does. I am very much surprised to see a former representative

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tion he has proposed to-day asks Mr. Cohen, as a journalist, to act in a dishonourable way. In this case a journalist has maintained the highest traditions of his profession, and, if he did not so act, thousands of people-not only here, but elsewhere-would refuse to give information to the Press. And to talk about trying to force a representative journalist to do something dishonourable-because you cannot find out something else - is not right, and, I for one, will not be a party to doing anything of the kind. Now, exception has been taken by the member for Bruce, and the member for Wellington City (Mr. Fisher), to a statement made by the Premier that the Standing Orders ought to be amended in connection with the Committee work of this House. There is not a single member of this House - if he will calmly reflect-but will agree that the Standing Orders ought to be amended. Personally, I would not hesitate to amend the Standing Orders, and allow a representative of all journals to be present at every meeting of a Committee, except a secret Committee. What is there to be afraid of in the proceedings of Committees or in the publication of the evidence given before Committees ? There may occasionally be secret matters-perhaps relative to the personal affairs of private individuals-which it may not be desirable to publish ; but we can trust the Committees to deal properly with such cases. We can trust the representatives of the people on those Committees to decide when their meetings should properly be held in camera. Surely you can do that; and in this 12.30. matter we are all behind. It is all very well for the honourable member for Wellington City to treat the matter lightly. What is the position of the Conservative Government of England ? There they are to-day publishing evidence that has been taken before Committees set up by the House of Commons. An Hon. MEMBER .- By order of the House. Sir J. G. WARD .- Upon important matters evidence is published. An Hon. MEMBER .- You are quite wrong. Sir J. G. WARD .- At all events they are publishing proceedings of Committees, and, so far, I have never heard one of these keenly sensitive gentlemen, who are now so anxious to have the dignities of the House upheld, get up in his place in the House and say that the evidence should be published by permission of the House. I have never heard that done in connection with any matter brought before the House. It is far simpler to amend the Standing Orders and say that, in the discretion of the Committees, the Press shall be admitted if the Committee so decide. You can surely trust the Committees to say what evidence should not be allowed to go through the public Press until it is reported to the House. ain not going to take up the time of the House any further, except to say that, while I regret exceedingly the circumstances that have called forth the position we are now in, I think sufficient will have been done by the House affirming the resolution of the Premier that the Sir J. G. Ward length of imposing a penalty of £50 upon a wealthy journal, said to be worth \$80,000 or £100,000-a splendid property with a great income-to impose a penalty of £25 or £50, or even \$500, as suggested by the honourable member for Franklin- Mr. MASSEY .- I did not make that suggestion. Sir J. G. WARD .- I thought you did. An Hon. MEMBER .- It was in regard to Mr. Watson. Sir J. G. WARD .- I say that to impose such a penalty is no more going to preserve the order or

maintain the dignities of this House than to pass a resolution such as I have given indication of. An Hon. MEMBER. - Why did you propose the Committee ? Sir J. G. WARD .- I was giving members an instance of the public ridicule of having any one brought to the bar of the House. Now the honourable member knows. He has got the Committee's report, and he has not been able to find out that which he has tried. We have not found out who disclosed this information, and the Premier's proposal, therefore, is a right one, especially in view of the letter Mr. Cohen has sent, which is a proper letter, and does not justify the language of the honourable member regarding it. Mr. FISHER .- Quite kind of him. Sir J. G. WARD .- I do not think it anyway warrants any reflections being made about it. The honourable member has got strong feelings about the Press of the colony, but he ought to be satisfied at having had a good fling at the Press of the colony as a whole, and not ask us to perpetuate something upon a precedent of, say, fifty years ago, when a Pressman was fined £50, and which in one case was returned. I have a case of that kind in my mind: and because of that it is not right to ask us to repeat the farcical procedure of fifty years ago, and which, so far as my judgment is concerned, is of no use, and will not prevent a repetition of the offence in the future. The right thing to do is to pass the resolution, and then amend the Standing Orders, giving the Press reporters equal rights, and thus preventing that which every member knows is a regrettable thing -namely, the necessity under existing conditions of obtaining evidence in what some members term a "back-door " way. You cannot blame any member of the Press for obtaining information if he can get it. But until we amend our Standing Orders, no representative of the Press, notwithstanding the talk of the member for Wellington City. will derogate from a high sense of honour in obtaining public information which is of use : they have a right, under the existing system, to do so, as the outcome of the custom for the last fifteen years. And if they do not use such information when they obtain it, they are not giving effect to what is essential for an up-to- date journal. Mr. MONK (Waitemata) .- I should not have risen at all to say anything on the subject

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before honourable members but for the attack the privileges of the House, and so deserves its made on myself by the honourable gentleman disapprobation of what has been done. If the House lets off Mr. Cohen without some punish- who has just spoken. He has repeated a state- ment which I contradicted at the time it was ment being inflicted on him for refusing to made by the Premier, more than ten years ago. reply to questions-being the representative of I will again make a statement of the case. a wealthy paper, the punishment, as has been There had been a caucus meeting, and im- remarked, would be of no consequence to the mediately it was over I went on a matter of Star-it would be establishing a precedent, and business to see the then Premier, Sir Harry a poor man coming before a Committee of Atkinson, and the Right Hon. the present the House, whose evidence might be of great Premier happened to be at the door of Sir importance, and who refuses to give that evi- Harry's room when I came out. He after- dence, might appeal to the precedent which it wards charged me in the House with reveal- is now by some proposed to establish. ing the secret arrangements that had been made at a caucus meeting. I denied it at the of privilege is a punishment in itself. time, and the honourable gentleman might as well accuse me now of divulging something that charges against the Premier, but I do not think took place at some caucus meeting because. they have given him much concern ; and I am he met me coming out of a Minister's room. I sure it would be a matter of personal con- denied the accusation at the time; and the gratulation on the part of Mr. Cohen, and it honourable gentleman was not present ; only would be looked upon as an achievement by the rest of the members of the profession for him the Premier was there on that occasion waiting to get this information. There is a direct in the lobby of the Government offices to inter- parity between this case and that of Mr. view Sir Harry Atkinson. Sir J. G. WARD .- I accept the honourable Watson, who refused to answer questions put gentleman's assurance at once, so far as I am to him by the Banking Committee. It was for that he was punished ; and this House will be concerned. But

I can assure him I was also along with Mr. Seddon in and outside the acting wrongly if it allows any one who acts similar to the way Mr. Cohen has done to Cabinet-room on the occasion in question. escape without some expression of disapproval Mr. MONK .- I do not remember him being from the House. Then, again, I agree with there, but if the Postmaster says that he was I the Premier that we should not have the accept it. While I am on my feet I will just rule that now exists, under which the public make one remark in addition to what I have Press are refused information given before said. I think it is not creditable for honour- Committees - excepting, of course, information able gentlemen to retain in their memories which a Committee says, by resolution, shall matters they know were refuted at the time, not be divulged. The Hon. the Postmaster- and to repeat them, when they know there is no foundation in fact for the statements General has mentioned the case of the late member for Patea. The feeling of the House they are making. I should like to give an ex- was that that honourable gentleman, instead of pression of my opinion on the matter before the doing wrong, was doing his duty, for he only House, and to say I regret that so much time gave to the House information which the has been wasted over it. I should certainly excuse a representative of any public journal Premier had withheld; and at the present time the Public Accounts Committee is not for collecting all the information he can, so long as he acquires it in an honourable and fair getting information that they ought to get. manner. But I think it is objectionable for the representatives of the Press to become questions that are asked, to which we do not possessed of public documents, excepting in a get replies. I maintain that there is certain proper manner. Then, there is another very information we ought to have from the Public serious feature in regard to what is now being discussed, and that is that every member of the Accounts Committee that we do not get. It was for this reason that the late member for Committee has a stigma cast upon him. As Patea got off as lightly as he did. Some every member of the Committee has made the honourable gentlemen felt that a breach of the statement that he did not place the papers in privileges of the House had taken place, but at the hands of the journalist who copied them, it the same time they felt that that honourable is evident that somebody must be guilty of the most atrocious misstatement of fact ; and gentleman was not deserving of any severe punishment, and this was shown by their the stigma rests on the whole of the members action in walking out of the House ; they of that Committee, and that is a very un- virtually excused or exonerated him. I will pleasant feeling. I feel it to be unpleasant, refer to one of the many cases in the Mother- and until it is known who the gentleman is it is country that occur from day to day of the a very unpleasant position to be in. And this proceedings of Parliamentary Committees being brings me to the fact that Mr. Cohen is aware reported. A few years ago a very important who the guilty person is, and was pressed by Committee was set up to investigate the the Committee to divulge the means by which particulars of the Jameson raid. The evi- he obtained the information, and refused to do dence given before that Committee was of such so. I do not blame him for this ; but I should an important character that it might have blame the House if it did not inflict some affected the relationship existing between Great punishment on any gentleman who trifles with Mr. SEDDON .- To have it declared a breach Mr. MONK,-Well, Sir, I have made many An Hon. MEMBER. - How do you know ? Mr. MONK .- Because there are certain

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this, the information and evidence supplied to that Committee was made public property from day to day in the London Times. Therefore, I think, it is quite time that the rule under which the public are prevented from being sup- plied with information given before Committees by the papers, if they desire to do so, shall be rescinded. If a motion to this effect is brought forward by the Premier, I shall vote for it. At the same time I think, as a matter of right, and as an expression by the House that a breach of its privileges has taken place, and also to satisfy the feelings of the Mines Committee, who have a grievance, I must vote for the amendment moved by the member for Welling- ton City. Major STEWARD (Waitaki) .- Mr. Deputy- Speaker, I do not consider that either the resolution or the amendment is absolutely satisfactory.



The resolution, as moved by the Right Hon. the Premier, altogether dismisses from consideration the act of the principal offender. Sir, this House the other day solemnly resolved that a breach of privilege had been committed by the publisher of the Dun-edin Evening Star, in having, contrary to the provisions of the Standing Orders of this House, published certain evidence taken before a select Committee. That position is not altered in the least degree by what has taken place as regards the evidence of Mr. Cohen. It remains as an absolute fact that the publisher of the Evening Star has committed a breach of the privileges of this House. Now, then, logically, this House should proceed to do something in the matter, and, to dismiss the original matter because another matter has cropped up since-that is, the refusal of Mr. Cohen to disclose the name of the person who supplied him with certain evidence -to dismiss the whole principal matter because this other matter has been imported into it, seems to me to be highly illogical and improper. The right honourable gentleman, in taking the course that he has done as leader of the House, has not dealt satisfactorily with the case. It is vain to argue at this stage that we should amend the Standing Orders. I am quite prepared to consider and support a reasonable amendment of the Standing Order, but I say that so long as the Standing Order exists that Standing Order ought to be enforced. For what would be said of this position : Supposing public opinion by a majority in this country was believed to be against capital punishment ; supposing it were also believed to be an almost ascertained fact that in the next session of the General Assembly a Bill would be passed doing away with that capital punishment : would that justify any Judge in refusing to pass sentence of capital punishment upon a murderer who had committed his offence between a time prior to that at which the Judge was acting and, of course, prior to that future session of the General Assembly ? Certainly not, Sir; and in this case, however much the newspaper may be right in thinking that the matter should be brought to an issue with a view to the House amending its Standing Orders, that does not Mr. Monk ingly committed a breach of a law which it knew to exist, and it must, therefore, take the consequences. And I say that, unless this House is prepared to insist that there shall be some consequences following upon a deliberate infraction of its rules and regulations it may as well cease to pass any laws whatever. The question, to my mind, answers itself ; and how any honour-able gentleman who is usually so clear in his view as the Premier can have missed the true conclusion-which seems to me to be evident to every other person-I cannot understand. I cannot understand how it is that he seems to fail altogether to see, no matter what his opinion may be as to the expediency of amend- ing the Standing Order, that it is absolutely necessary that while it exists the House should require it to be observed. Now, I do not say that there should be any vindictive punishment. I am quite prepared to admit, so far as Mr. Albert Cohen is concerned, that he has done his best to furnish to his newspaper what was, no doubt, very useful and valuable matter. I am further prepared to say that the publication of that evidence may have been in the interest of the public. But I say it was not for Mr. Cohen to be the judge of that; it was for this House to be the judge, and that, if Mr. Cohen did really wish to get that evidence published in the public interest, then, fairly, he should have allowed it to be published by every newspaper in the colony, which would have given it a much larger amount of publicity. Why did he not, as head of the Press gallery, make a representation to the Mines Committee, suggesting that that Committee should ask the House to give authority for the publication of the evidence ? Had he done so, I believe the Committee would have asked and obtained that authority, and then not only the Evening Star, but also every other newspaper in the colony. could have published the evidence, and then a hundred times the publicity would have been given. But no, Sir; Mr. Cohen wanted the evidence solely for his own newspaper, and that newspaper gained a distinct advantage. I do not say that he was not entitled to get it for his own paper if he could, nor do I say that the newspaper was not entitled to receive it ; but I say that when it proceeded to publish it, it did so knowing that it would have to pay such penalty as this House may choose to impose. I do not ask that the penalty should be a severe one ; but I think the Premier, after hearing Mr. Cohen's explanation, whatever it may be worth, that

was read to the House to-day, might have ended his proposed resolution as follows : "in-so-far as regards the said Albert Elias Cohen ; but that the principal offender, to wit. the publisher of the Evening Star, be fined \$20 for each offence against the Standing Orders- namely, for the publishing on the 23rd and 27th days of August of certain evidence taken before the Goldfields and Mines Committee." A fine of that amount would not have hurt the Evening Star, I admit, because if the proprietors were fined £40 for the publication, still the "copy " has been well worth the money to

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1 them ; and, as a commercial transaction, they | should sit on a Committee at all, or at all would have had the best of the bargain. Nor events on a Committee that takes evidence, be- would it benefit the House to any appreciable cause a stigma rests now and will continue to extent to receive the £40; but by enforcing a rest on the Mines Committee until the whole penalty the House would have logically carried matter is cleared up. When people are defend- out its Standing Orders, and while they exist ing a newspaper for getting information-in- it seems to me we cannot allow them to be set formation which the reporter must of necessity at detiance. And I altogether object to allow- well know cannot be published without causing ing any person who commits a breach of our a breach of the Standing Orders- does it not .. Standing Orders to be placed in the position of occur to honourable gentlemen that there must a judge as to whether those Standing Orders have been some temptation held out : that the should be amended or not. Why, if we carried reporter must have acted the part of a tempter, such a doctrine into effect, this would follow : and that the delinquent who gave the informa- A man might annex £5 belonging to some tion was tempted for some reason or other. Wealthy person - I use the word "annex " That a member of the Committee should give rather than some stronger term-because he such information is dishonourable, I think no wished to contribute it to some charitable ob- member of the House will deny. It must be ject. or some object excellent in itself and sorely so. Any honourable member who commits a in need of that \$5. He might say that the breach of the Standing Orders knowingly and person from whom he annexed it could not wilfully does commit a dishonourable act. But, have missed the money, while the person to Sir, why does he do it? It must be for some whom he handed the \$5 had been saved, it reason, and though the reporter may with per- may be, from starvation. Would the law take fect justification to himself say that he is not act- comisance of any such plea ; or would the ing dishonourably, and that he has got it by Judge, who tried the man, admit as a plea honourable methods, yet at the same time he his (the offender's) opinion that the law should must have tempted some one to do what all be amended ? Certainly not. And no matter the members of this House recognise to be what Mr. Cohen's motives in regard to the a dishonourable act. Now, it has been said publication may have been, and, no matter that in this case it is quite possible that it how clearly it may be shown that it was to was not a member of the Committee. I quite the public advantage that the evidence should agree with that. But Mr. Cohen, in his evi- be published, still I say that it is this House dence, pointed towards the Committee when he which is alone to be the judge as to whether exonerated from any implication the Clerk of its laws should be amended, and that so long the Committee and the shorthand reporter. as those laws are not amended and in force It is quite possible it may be said that there the House is simply stultifying itself if it does were two witnesses who were present, and who not insist that there shall be some penalty for may have given that evidence. The two wit- their infraction. nesses were Messrs. Cook and Easton. I ex- Mr. HERRIES (Bay of Plenty) .- It onorate Mr. Cook, because I believe that the 2.30. was easy to see from the speech of the first day's evidence was entirely against Mr. Minister for Railways, who it is that is really Cook. It was the statement-in-chief by Mr. the author of the motion. The Premier has Easton, containing all his charges, and there executed during the last two or three days was only a short statement by Mr. Cook, who quite a somersault. At one time he was admittedly had had no time to prepare. It altogether in favour of fining the proprietors, of was only a hurried statement denying most of fining Mr. Cohen, and, generally,

of dealing the charges. Is it likely that Mr. Cook would have given the paper evidence against himself ? out justice in connection with this matter of privilege. But since then a change has come Then, there remains Mr. Easton. Well, we have Mr. Easton's own evidence before the over the scene, and, I suppose, owing to the blandishments of his colleague, he has receded Committee that he did not get the evidence to from the position every leader of the House correct until the 21st, and that would be too late, as I take it, to send it down for publica- ought to take up, and has succumbed to the influence of his colleague. This is not the first tion on the 23rd, because it was the whole time that has happened. Honourable members shorthand reporter's report of the evidence that was sent. I do not believe it was tele- will remember the matter of the map being put into Hansard, when the Premier, against his graphed ; it was sent down in bulk. And I have sufficient faith in Mr. Easton ; I do not better judgment, had to succumb to his more powerful colleague, the then Minister of Lands, believe that he did it. It seems to me that it must have been a member of the Committee, and the same thing has taken place now. The Minister for Railways, for some reason or and that is where I feel it. I cannot point to other, has considered the honour of a news- any member of the Committee, because I can hardly believe that any member of the Com- paper as greater than the honour of this House. mittee did do it. But there is always the But there is more than the honour of this stigma that rests on us. Why should the House affected : there is the honour of the House not assist the Committee it set up to Committee to which I have the honour lock after mining matters? I say the House to belong-that is, the Goldfields and Mines is lacking in consideration for that Committee Committee ; and if this matter is taken up if it takes no steps to punish those who got the in the manner the Premier proposes to take evidence. it up, it will become a moot point whether we

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you. Mr. HERRIES .- If would stop it in future. That is what I complain of ; and then the Pre- mier comes down and says that he is going to bring in a revision of the Standing Orders which will make this sort of thing impossible. Mr. SEDDON .- I did not say this session. Mr. HERRIES .-- That makes it worse; but, anyhow, what is the use of amending the Standing Orders ? As the honourable member for Wellington City has said, this motion of the Premier's, if carried, will mean an amendment of the Standing Orders ; but, besides, the Pre- mier says that when he moves to admit the Press to meetings of Committees he intends to put in this proviso, "except secret Com- mittees." But if no punishment takes place in this case, how about secret Committees? The evidence of secret Committees will be dis- closed just as much as the evidence of select Committees. What is the use of talking about secret Committees if this sort of thing goes on unpunished ? Now, I am not against the Press in the least. I hope to be found always ranking amongst the chief supporters of a free and honest Press. I intend to vote for Mr. Carncross's Libel Bill, as against the right honourable gentleman over there, who is try- ing to gag the Press. Will the head of the Government vote for that? But this is a case which is quite different as far as I can see. In this case, as the honourable member for Wel- lington City put it, and as all of us on the Mines Committee must know, there must have been the deliberate theft of certain documents. It is not a précis of the evidence. It is not the shorthand report of any person who was present ; it is the actual shorthand re- porter's notes that have gone down to Dunedin. What can you call that except, as the honour- able member for Wellington City put it, "a theft " ? And what I would point out is that the reporter must have known this was the way it was got ; in fact, one cannot read his letter without seeing perfectly well that he knew that exactly. And there is another point I wish to draw honourable members' attention to with regard to the publication of further evidence. Now, the second publication was on the 23rd, that is the Wednesday. The Goldfields Com- mittee arrived at a resolution on the Monday that a breach of privilege had been committed, or, rather, they resolved to report to the House that the evidence had been printed, and that they considered it a breach of privilege. That was known in the Press gallery, because on that very Monday afternoon the Evening Post said that the Mines Committee had determined to report to the House that a breach of

privilege had been committed. That was known on the Monday afternoon. Well, Sir, the representative of the Dunedin Evening Star would have had time to telegraph to the paper not to publish the evidence that was published on the 23rd. That was not done, and it seems to me that that was an aggravation of the offence. Technically speaking, Mr. Cohen was right in saying that all the evidence was published before the Mir. Herries practical man he must have known that the Mines Committee had it under consideration, and that they had determined to bring it before the House. It was not brought up on the Tuesday, but that was because of the death of an honourable member of another place. Therefore, it seems to me that that second publication was a distinct aggravation of the first. In the first case a man might have said that he had done it in error, not knowing of the Standing Orders. He knew all about them really - but that might perhaps have been put forward as an excuse; but the second publication was done in full knowledge that it was a breach of the Standing Orders. Then, Sir, we come to Mr. Cohen's letter. How it came to be written I do not understand, but it seems to be a distinct aggravation of the offence in every possible way. It seems to be an insult, not only to the House, but to the Mines Committee as well. The part of the letter giving advice to the House as to how to conduct its business has been referred to by the member for Wellington City so well that I will not refer to it except to say that, by parity of reasoning, a prisoner before a Judge might reasonably tell the Judge before he passes sentence that the law ought to be altered, and stealing be not made a crime. Here we have a gentleman who is convicted of a breach of privilege, writing to us and saying that the Standing Orders under which he is convicted ought to be altered; and because of that we are to alter them and do nothing more in the matter. But he also goes on to advise the Mines Committee that they ought to extend the scope of their inquiry, and he points out that, in consequence of the publication of the articles, a large number of witnesses are coming up to give evidence in this case. As a member of the Mines Committee I do not know of any evidence that is coming up, and if there is I do not know that we will take advantage of it. The petition of Mr. Easton was confined to certain companies, and we have concluded the evidence and will report shortly. Mr. SEDDON.- Will you take no further evidence? Mr. HERRIES.- We have no further evidence. If the honourable member attends the Committee, and gives us the benefit of his advice, we might. As suggested by Mr. Cohen, we may extend the scope of the inquiry. as the leader of the House seems to take all his suggestions from the Press gallery; but the Premier knows the Committee have no power to extend the scope of any inquiry without instructions from the House. I maintain that we are elected here to go through our business and conduct our business on proper lines, and you, Mr. Speaker, are the proper officer to advise the House as to the alteration of any Standing Order that may be necessary, and not a gentleman who is accused of breaking these Standing Orders. I submit that the question as to whether the meetings of the Committees should be open to the Press or not is quite beyond the question. There are arguments for and against that. What we are arguing at

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accepted by your honourable House, reiterating Orders, by which the whole of the evidence of that it is not my wish to set the Parliament at the first day's meeting of the Mines Committee defiance." has been published in a newspaper to the exclusion of other papers, and we are actually informed by the delinquent that we at defiance by this letter, and by refusing to should amend the Standing Orders. Of course, give evidence. I doubt, Sir, whether Sir Maurice, had he been in the chair-I do not every one knows that it is a difficult thing to tilt up against the Press, and the Press generally reflect on you in any way; I do not know rally get the best of Parliament in the long-run, whether you read this letter carefully before it was read to the House-but I do not know and that is probably why the Premier has backed down-he knows that in the end he whether the very issue of this letter does not would probably get the worst of it. But I do almost amount to a breach of privilege. The not know that anything so daring as this has next point I wish to raise is one which is ever been done before, and if nothing is done it entirely confused in

the right honourable will probably be continued. The Premier has gentleman's motion-the refusal to give evidence. That is not touched upon, or in only a introduced in his speech precedents that have nothing whatever to do with the question. He confused way, in his motion. This constitutes, to my mind, a separate breach of privilege, and has introduced a case in the House of Commons, but he never gave us any dates. He said that if this is not punished, if nothing is to be done in the matter, what is the use of having Mr. Disraeli said something, but he did not say Committees and taking evidence? Every when. Mr. SEDDON .- There were telegrams about witness may refuse to give evidence, and we shall have to shut up the Committees altogether it in the papers. Mr. HERRIES .- If you look at the records and take no evidence on petitions and other of the House of Commons you will see that matters that may come before us. It is quite possible that the officials of the Government there are cases of breach of privilege coming up might be instructed to refuse to give evidence every session. And Mr. Disraeli was in power a long time, yet we were told that Mr. Disraeli on matters on which any Committee may desire to question them. It seems to me it once did something or another. There are plenty of precedents on the other side; but, then, would be introducing a more dangerous pre- the Premier says he does not care about musty cedent than any the Premier or the Minister for Railways are seeking to destroy. It would precedents in which matters of this kind are entirely destroy the whole system of parlia- raised. But we do not want to discuss that mentary Committees if you lay down the fact matter at all, because we have affirmed that a that witnesses are not obliged to give evidence ; breach of privilege has been committed. It does not matter to us what is done in England. The and how can you compel them to unless you question for us is, having affirmed a breach hold over them in terrorem the question of pri- of privilege, shall we go any further? If we vilege. But if you say to them, " If you refuso to give evidence we will bring it before the adopt the Premier's proposal we shall be having House, and you will be judged guilty of a all the evidence taken before the Committees published in the papers day by day. We could, breach of privilege and nothing more," what hold have we over them? In this very case of course, create secret Committees, but that would be equally as bad, for if no punishment there were certain witnesses to be examined is inflicted in this case evidence in any Com- with regard to these alleged mining swindles, as some gentlemen call them. They might have mittee will always be given away. It seems to me that in many cases we would not get the probably refused to give evidence if disadvan- tageous to themselves. That will be the case if evidence we do get if it was known that the this precedent is set up, and the whole system evidence was going to be published. A great deal of evidence that is given before the Public of parliamentary Committees will be thrown to the ground. And for what reason ? In the Petitions Committee would never be given by case of Mr. Watson the Premier urged strongly witnesses unless they knew that it was private, that the privileges must be maintained, and and these people ought to be protected. Then, to go back to this letter of Mr. Cohen's: It that a witness guilty of not giving answers to questions must be fined. If members look at seems to me that when honourable members Hansard they will find that the Premier argued read this carefully and study it, as I have, that he should be fined. I think the fine was they will find that it is really an aggravation of too high, but that does not affect the question. the offence, rather than a mitigation of it. I have read it carefully through and I find no Now we come to a different position. The word of apology. I only find at the end the Premier argues that when a witness refuses to give evidence nothing should happen to him. following regret :- "I regret that my bona fide endeavour, Why should he be in one case fined and in the through the medium of my paper, to assist in other case not ? The two cases are parallel : on both occasions evidence is refused, and in the the prosecution of a searching inquiry into one case it is to be treated as a heinous offence a matter of the greatest concern to the mining and in the other it is not. But in the one case industry of Otago has led me to commit a breach of privilege,"- the Premier wanted to get an answer to some questions; in this case, where the honour of the That, Sir, is all the apology that is given by House and the honour of the Mines Committee Mr. Coben. But at the same

time he has set Parliament

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does not want to find out anything in this case. Now he chucks away the honour of the Committee and the honour of the House, and all our privileges, and simply says to the gentleman who refused to give evidence, "You are a good boy " ; and probably he will be thanked for his courageous efforts in defence of the liberties of the Press. Yet the honourable gentleman gags the Press by not allowing the Libel Bill of the member for Taieri to become law. But the position of the Goldfields and Mines Committee is this : We are there with a stigma which the Premier refuses to take off. I do not suppose Mr. Cohen would deliver up the name of the person who gave him the information. I should not think him an honourable man if he were to do so. But the point is this: If the fine had been inflicted at once, the member who gave the evidence would probably, if he had any honourable feeling left, have given up his name to save the reporter being fined. That, I think, would have taken place; and the proper course from the beginning would have been to call Mr. Cohen to the bar of the House and deal with him, without setting up a Committee. If this course had been pursued, and he had refused to give evidence, and a fine had been inflicted, then, I think, if done before any members of the Committee or any other witnesses had been examined, the real offender would have been found out. But, meanwhile, all the members of that Committee lie under a ban of suspicion as being dishonourable men, who had divulged evidence which they ought not to have given up. I think one honourable gentleman mentioned that there might have been a consideration ; so we also lie under the stigma of having sold the evidence, or given it for some consideration which we had no right to receive. Sir J. G. WARD. - I never made such a statement about any member. Mr. HERRIES .- Then, I beg the honourable gentleman's pardon. Some one on the honourable gentleman's side made the statement that there might be some consideration. I do not think he meant it to be monetary consideration, but -- Mr. SEDDON .- " You claw my back and I'll claw yours." Mr. HERRIES .- Well, perhaps it was the Premier who insinuated that consideration was given. We lie, at any rate, under that stigma, and that is what, to my mind, is the gravamen of Mr. Cohen's offence. He did not consider the effect that his refusing to give evidence would have on the members of the Committee -that it put them under a ban, making them & sort of pariahs among their fellow-members, because they may have possibly done what would be considered a dishonourable act : and the Premier refuses to take any steps in the Sir, I hope honourable members matter. will consider the matter carefully, and consider the effect of carrying the Premier's resolution. From a journalistic point of view this way of getting information may seem honourable ; but that is not borne out even in Mr. Cohen's letter. He acknowledges that it is not altogether Mr. Herricks members of the Press gallery are placed in a difficulty by having to accept information in a manner not altogether to their liking." They have to accept information ! It sounds as if everybody was rushing to give information. I do not know ; I do not rush to give information : I do not think any member would unless he were asked. Generally the Press representative, very properly, in the interests of his calling, asks for information. But Mr. Cohen, in his letter, says it is not to their liking. Therefore it must be an unpleasant way of getting information, and that is his reason for proposing that Committees should be open. If it is not to the liking of the Press reporter, what must it be for these that give the information ? Of course, what is frequently done is that a reporter is given the general effect of such-and-such a meeting ; but where it is a case of the whole evidence - and this is what constitutes the difference between this case and others-several columns of matter deliberately taken from the Committee-room itself, not a precis, but the uncorrected short-hand reporters' notes are sent to the Press. Mr. FISHER .- Property that is bought and paid for. Mr. HERRIES .- Yes; and the whole Committee lies under a ban of suspicion amongst their fellow-members. That is what induces me more than anything to vote, as I shall vote, for the honourable member for Wellington City's motion. I object to being subject to this stigma because some newspaper wants to get ahead of another, when the same evidence

could be published by every paper in the colony as soon as the Committee's report and the evidence is laid on the table of the House. I trust members will assist the Goldfields Committee, and support them against the insidious wiles of the Premier. Mr. W. FRASER (Wakatipu) .- Sir. 3.0. I will not detain the House for more than a few minutes. The principle underlying this question has been so thoroughly and so ably expounded by the honourable member for Bruce and the honourable member for Wellington City (Mr. Fisher) that I am not going to repeat the arguments of those honourable gentlemen. But, Sir, I wish to say this : that when I heard you read that letter at the commencement of this debate I was filled with indignation, and when later on the Premier, the leader of the House-the person upon whom devolves the duty of maintaining the dignity of this House-rose from his seat I certainly expected a totally different motion from the one he gave notice of. I was amazed when he said that, in consequence of this letter which you had read, and which he termed "an expression of regret on the part of the reporter of the Evening Star," this House should proceed no further in the matter. Well, Sir, I was not only amazed at it. I regretted exceedingly that such a motion should have been tabled by the leader of the House. Sir, we have been told in the course of this debate that the effect of the amendment is to endeavour to force the reporter of the Event

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to supply the name of the person who supplied been given before the Committee. This was him with the report of the evidence given before brought before the House, and the gentleman the Mines Committee. Nobody wants him to referred to was found guilty of a breach of do anything of the kind. He has committed a privilege. He, however, expressed his regret. breach of the Standing Orders-two of them ; the first when he procured and sent for publication the information which appeared in the there is not much difference between the two paper, and, secondly, when he refused to answer actions. He apologized that he had made the questions put to him by the Privileges Committee known the evidence given. I should like to see Mr. Cohen expressing regret. He should one moment that the reporter, Mr. Cohen, when either express his regret or he should be fined he first obtained this information, did not know a small sum-say, £20 or £25. I do not think that what he was doing was a breach of the we should support the motion that nothing privileges of this House. Of course he did; but further be done in the matter. no doubt he relied on the fact that a great deal of information had been leaking out of late years honourable member for Bruce and others have from Select Committees, and that no notice had dealt very fully with this subject, and I do not been taken of it, and he took the chance of his think that further discussion is necessary. The act being overlooked. Having counted the risk, honourable member for Bruce said the overlooking of breaches of privileges in the past led and the cost thereof, let them now pay the penalty. It is not in accordance with the to the present breach. We should therefore dignity of this House that the motion of the not be too severe on the gentleman who has Premier should be given effect to. Let us cast committed this last breach. What I par- our minds back to former Parliaments of New ticularly want to point out in this connection Zealand. How would such a breach of privi- is that the country has not suffered by the lege and such a letter have been treated in publication of this evidence, but that, while so former times? We occasionally refer to the much business requires attention, it will suffer if this debate is continued much longer. We members of those Parliaments as " the giants of old." They were men who respected them- are all apt to complain at the Executive for selves and the House, and the high traditions not getting on with the business of the country, of former Parliaments. I hold that there are and the more we delay the more we are putting men here to-day who appreciate the privileges impediments in the way of doing the business for which we are called together. We shall be of this House and the best traditions of former Parliaments, and are prepared to uphold them. complaining directly of having to sit up all Until a vote is taken on this matter I shall night in order to do the business which the continue to believe that the majority of this Government have to place before us. I have House

will not support the Premier's motion. seconded the resolution of the Premier in this I shall certainly not support it. matter because I do not see that any good is to Mr. J. W. THOMSON (Clutha) .- I do not be gained by prolonging this discussion. It can only lead to a lot of harm, and a great deal of quite agree with either the motion or the amendment, and it is for this reason that I loss to the country. It costs a great deal of money to keep this Parliament going. The propose to make a few remarks. The evidence which is led before Committees of this House longer we sit here talking unnecessarily the is usually very commonplace and very unin- more expense we are imposing on the ratepayers teresting. Indeed, almost all the evidence that of the country. As regards the question of is brought before Committees might be pro- reporting Committee proceedings, I quite agree claimed from the housetops. This would be a with the honourable gentleman who has good thing in the case of a great deal of the just sat down. I would like to see a little more daylight let into the Committees' evidence. For instance, I am a member of work. If there is nothing to conceal there the Railways Committee, which at present is taking evidence from Mr. Samuel Vaile, a well- is nothing to reveal. If there is anything known resident of Auckland, on the subject of to conceal, then the sooner we know it the better. the management of our railways. I am sure it will be brought to a vote as soon as possible. would be to the advantage of the public that Sir, the honourable member for Wellington Mr. Vaile's opinions as to railway management City (Mr. Fisher), who is one of the best should be known, and I should be pleased to speakers in this House, has some little griev- see a reporter coming into the room and taking ance against the Press because they do not the evidence that Mr. Vaile is giving. I am report his speeches in full. I agree with him therefore inclined to think that this Standing that that is a mistake, because his speeches are Order does not serve any very good purpose, well worth listening to, and, therefore, well and, personally, I should be glad to see it set worth reporting. But when the honourable on one side. At the same time it is one member looks up toward the skies, to the place of our Standing Orders, and I do not see how where the Press gentlemen are, it reminds me we can well ignore that fact. I recollect of this: We have a great deal to thank the many years ago a member of this House Press gentlemen for in reporting speeches made committed a somewhat similar breach of in this House, and also for the manner in which privilege. Before the Committee of which he they use their discretion, and I think the same was a member had reported to the House he I Mr. FISHER. - And apologized. Mr. J. W. THOMSON .- Well, apologized ; Mr. WITHEFORD (Auckland City) .- The I therefore hope this matter

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out the session we might extend to them, and be a little kindly in dealing with a question like this, in which no human being has been injured by the action that has been taken. Mr. O'MEARA (Pahiatua) .- I do not intend to delay the House at any great length. But, considering the speeches that have been made on a question of this sort, it appears to me that it has not been dealt with on what I would term fair lines. To my mind, a good deal of feeling has been introduced into the debate; and, with respect to establishing precedents, we all re- member very well that in the last Parliament, when a member of this House divulged what had been done in Committee, he then defied the House. Why did not those honourable gentle- men on the other side, who are now protesting so loudly and almost demanding that the Pre- mier should introduce a motion to this House which would impose a fine in this instance, take up a similar attitude on that occasion to which I refer? There is no doubt, in my opinion, that the publisher of the' two lots of evidence in the Dunedin Star has undoubtedly committed a breach of privilege. But is it not a fact that we have almost invariably overlooked cases of breach of privilege ? Why, then, bring the re- porter and the publisher up in this case and impose a heavy fine? My own opinion is, if we were more in earnest in carrying out our Standing Orders, we should be justified in this instance in showing to the newspaper people of the colony that we are determined, as a Parliament, to adhere strictly to the carrying-out of the Standing Orders. If we were to meet this case with a slight fine we would, I think, be doing our duty. If, as



I have already stated, matters of this description have come before this House and the country before and been overlooked, there can be no doubt this Dunedin journal thought the publication of the Committee's report would be overlooked, as similar publications had been previously. In looking through the papers I came across a paper published in Wanganui which gives very briefly and succinctly its views on this question. I will read them to the House, as it is my desire to hansomise the article :- "The Committee set up to deal with the breach of privilege case connected with the Dunedin Star - Mr. PIRANI .- I rise to a point of order. The honourable member is quoting the comments of a newspaper. Mr.

DEPUTY-SPEAKER .-- The honourable member cannot be allowed to quote from any newspaper an article commenting on the proceedings of this House. Mr. O'MEARA .- It is not commenting on the proceedings, but simply, as the question of privilege has been raised, whether the reporter was within his rights in reporting what he heard for his paper in Dunedin. Mr. DEPUTY-SPEAKER .- That is not in order.

4. Mr. O'MEARA .- Very well, I shall not read it. The effect of it, however, is this: this Mr. Withetord to be commended for his smartness in obtaining the information. I certainly commend him also, and if I were his employer I should immediately give him an increase in salary. because, there is no doubt about it, every journalist who knows his business is always ready and eager to receive information. And, as far as some of the Committees are concerned, I think the information about their proceedings leaks out much in the same way as it does about our caucus meetings. We meet there as a party in privacy, but, strange to say-and I refer to caucuses held in the past-the whole of the business brought before us has been published in the same evening's paper. So it is with many of these Committees. Many members fail to recognise that in the duty they are performing their position is one of secrecy. Their business is not only discussed in the Committee-room, it is discussed also in the lobbies and in the streets, and what is done is sometimes easy to ascertain. I think our Standing Orders ought to be reformed, so that in questions of this sort, which affect the public interest, the reporters should be allowed to attend the Committee meetings. and should be allowed to report day by day what is done by the Committees. For instance, what is the result of this publication ? We know very well what a large number of mining ventures have been put on the market in Dunedin. We know also that the people of the colony have simply been " had " by the floaters of these mining ventures in very many instances, and this publication we have been discussing has been in the interests of the people, so that they may be protected and warned to look after themselves. I say that a breach of privilege has been committed ; but I think it is very unfair that this House should make a scapegoat of this particular reporter, who by his cleverness and dexterity obtains a report that was no doubt at the time invaluable to his paper. I, Sir, will be against the imposition of a very large sum by way of fine ; and if you will permit me I shall place this paper- I do not know whether it is in order, but I would like to place this paper on the table of the House. Mr. DEPUTY-SPEAKER .- It will not be in order. Mr. O'MEARA .- Then, I may be at liberty to use it on another occasion. As I have already stated, a precedent has been already established. In my opinion, a more flagrant and far more serious breach of privilege than this was the one committed by the late member for Patea. He personally defied this House ; and honourable gentlemen on the other side of the House -and more especially the honourable member for Bruce - allowed that to pass without demanding that the then leader of the House should take steps to have that member punished for his breach of privilege. Mr. PIRANI .- What was his breach ? We have heard such a lot about it, but you have not told us what it was. Mr. O'MEARA .- You ought to know as well as anybody.

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Mr. BARCLAY (Dunedin City) .- Very probably it would be in my own political and material interest if, in rising to speak on this occasion, I were to raise my voice in favour of entirely exculpating the newspaper and the reporter who are concerned in this matter of privilege. The paper is a newspaper published as far as it can its privileges. I also think the in my own town, and has a considerable circulation, and, I may

add, it is a newspaper of which the officials, the editor and the reporter in question, are personal friends of my own. reporter himself will have to pay the fine. It is also a paper which has had occasion to differ from my views and to criticize my utterances and actions. That, however, is passed, and I wish it to be distinctly understood that defiance or not. From time to time you will in what I propose to say I shall speak as far as possible without bias or prejudice of any kind. abusive statements concerning this House, I should like to call to the minds of honourable members what these privileges mean to the House. Of course, they do not mean any again, I fail entirely to discover any particular great personal advantage or privilege to members. Those privileges mean the rights and expression of regret on the part of Mr. Cohen. powers which have been secured to the House honourable members who have in mind the after years and even centuries of struggle. Anybody who chooses to go into the history of the House of Commons, and how those privileges were obtained, must be impressed with their immense value and what it cost to secure them. Honourable members can never desire to make this House its counterpart in forget the story of how King Charles the First New Zealand, ought not to allow this breach came down to the House of Commons with the of its Standing Orders, this infringement of its intention of seizing five members, and was met by the cries of " Privilege, privilege " that were heard from all sides of the House. It was in to say a few words on this question of privilege days like those that the true value of these at one remark which fell from the last speaker. privileges could be appreciated, and I would now ask members to bear in mind how important He attributed the publication of this matter to they are, and what the real object and aim of these privileges are. Now, it has been said money out of it. Sir, any one who knows any- that it is not right of us to ask a representative of the Press to do something dishonourable- well that the sale of a few hundred copies extra to answer the question as to who gave him this of a newspaper at 1d. each is not a thing information. Well, nobody ever dreamed that that a newspaper - proprietor hankers after. There was, to my mind, a very much higher Mr. Cohen would reply to that question if he thought that it would bring any harm to the ideal-they were actuated by very much higher person from whom he got the information in motives than any one in this House has given question. But it must have been well known them credit for. As to the question of the leader of the House defending the rights and to him and to the paper he represents that privileges of the House, he has been taunted it was committing a breach of privilege. In with having thrown away the honour of the all probability the proprietor said, "I see House-that he has been actuated by political an opportunity of making money out of the publication. It will be a journalistic scoop, exigency. I think that was the remark made by the honourable member for Bruce. Now, sup- and I shall be able to make the name of the paper known throughout New Zealand. posing it were asked whether any one in this House holds a brief for the mining swindlers of There is money in it for the paper. As to the rights and privileges of the House they are no Dunedin ; one question has as much right to concern of mine." Now, are we going to allow be asked as the other. As a matter of fact, an attitude of that kind to go absolutely un- there have been things said in the House to-day which lead me to suppose that there is a desire criticized and unpunished - hardly protested against ? Unless the House intends to resign on the part of certain members to act as special pleaders on behalf of the gentleman who con- its dignity and honour, to become a by-word and reproach in the future, and to render itself siders himself so much injured by the publica- tion of the evidence in the Dunedin paper. despicable, we ought to do something to mark We have heard a good deal to-day about the our disapproval of the conduct of the persons concerned and to punish the offenders. The honour of Parliament. Sir, if we want to up- hold the honour of this House, it is for every Minister for Railways spoke of the high tradi- individual member in it to be jealous of the tions of journalism, and how honourable it was honour of the House and of its dignity in his of Mr. Cohen to uphold those traditions by re- own person. That is one of the things that fusing to give up the name of his informant. No VOL. CXVIII .- 24. doubt that is true; but what about the honour and dignity of this House ? What about uphold- ing them ? That is for us to do. My impression

is that there ought to be some fine imposed-I do not say that it should be a heavy one --- to mark the determination of the House to guard publisher should be brought before the bar of the House, and something should be done in connection with him. Nobody expects that the Every one knows the Star is a wealthy organ, and the question is whether a wealthy news- paper is to be allowed to set this House at see published in the newspapers of the colony ridiculing and attacking it in every possible way ; and now they actually go the length of refusing to obey the Standing Orders. Then, He seems rather to justify his action. I say traditions of the House of Commons, who have a high idea of its dignity and of the privileges it is absolutely essential it should have for the proper carrying-out of its functions, and who privileges, to go practically unnoticed. Mr. HORNSBY (Wairarapa) .- I should like before we go to a vote. I was rather surprised the fact that the proprietors wanted to make thing about newspapers must know perfectly <page:378>

this House ; but do not let us have one day a prating about the honour of the House, and the next day giving a very good Falstaffian definition of the word "honour " because of the practices which go on in this assemblage. Sir, to-day we have heard a most 3.30. peculiar doctrine enunciated with regard to the privileges of the Press of this colony, and, indeed, of the Press all over the English-speaking world. We have heard it said in a sneering way that the Press of the country has to take the consequences of the preservation of the secrecy of anonymity. Sir, it will be a bad day for this or any other country where there is a desire for a free and un- trammelled Press when the Press refuses to take that responsibility. To its honour be it said, the Press of this country as a whole is as honourable as any Press in any part of the British world, and I, for one, am astounded at the position taken up by some old journalists in this House. Knowing what they know of the past history of the Press of this country, and the past history of this Parliament, I am astounded at some of the ideas that have been placed before this House to-day by some of the old journalists who sit here as members. We are asked to believe that there is to be no party feeling, that there has been no party feeling Why, Sir, if any- engendered in this debate .. body just casts his thoughts back to this morn- ing, and remembers how the utterances of the Premier were received by certain gentlemen in this House ; and if they will watch the vote presently to be taken, they will see how much party there is about it, and they will see there is a very large slice of party in the whole thing when the members go into the lobby to vote on this question. Sir, I interjected when one mem- ber was speaking this morning that members of this House habitually give away information, which in itself is a breach of privilege; and I say, speaking as an old journalist in this colony, that I know it to be a fact. It is all very well for members to stand up now and preach of "honour " and " honesty," when, as a matter of fact, they know full well that information is habitually given by members to the Press of the colony. I say that the publication of that evidence in the Dunedin Evening Star was more than justified. I feel, myself, that we ought to thank the paper that did it-that dared to do it. I say that the publication of that evidence was a bombshell thrown into a camp of contemptible swindlers, who have been so many vampires working their will upon the public of the colony, and for that reason I say the newspaper has done good service to the people of the colony. I am only sorry that the whole newspaper Press of the colony had not the pluck to copy the evidence from the Star and to publish it far and wide-east, west, north, and south - throughout New Zealand, just to show people what is going on in New Zealand. An Hon. MEMBER. - Rubbish ! Mr. HORNSBY .- What is rubbish ? Sir, if that is rubbish, then let us say good-bye for ever to the exposing of any swindle, or any Mr. Hornsby this or any country. I say the publication of that evidence has done a great deal of good in this country ; and if it goes a little further. and is the cause of legislation being brought down and passed in this House to prevent these gross swindles in future, it will have done a grand thing, not only for the general public, but for the whole mining industry in this colony. And why should we put on kid gloves to handle these creatures ? It seems to me to-day we have lost sight of the whole crux of the question in the matter of this swindling that is going on. Every member who has

opposed the motion of the Premier appears to me to have glossed over the villainy and rascality that has been laid bare. I say that every member who has got up ought to have condemned in unmeasured terms the roguery and rascality that has been going on for some time past in connection with the whole of these claims. An Hon. MEMBER .- How do you know that ? Mr. HORNSBY .- How does any man know it except by the evidence that has been given before that Committee; and possibly it never would have been published if this paper, the Dunedin Star, had not had the pluck to publish it, and to run the risk, as it did run the risk, of a libel action being brought against it. For, in the savage condition of the libel law at the present time, the paper could have been brought up for punishment for the publication of that evidence. If the man who feels aggrieved and says he has been maligned by evidence given before the Committee-if he thinks he has been maligned, and that he has got a good case, let him sue the Evening Star for libel, and then we shall see how much there is in the whole business. But I say, from my place in the House, I do not believe the man referred to dare go into any Court in the country and try and defend himself from the charges that have been made against him. "Damages," says a member, "damages !" That man has damaged a great many people in this country, and now his chickens have come home to roost. Now we are finding out where the friends of that gentleman sit in this House. What is the position of the newspaper press of the colony with regard to the Standing Orders, in all their purity and excellence, that we have heard so much about to-day? I say there are very few indeed in this House who can get up and say honestly and straightforwardly that they have never broken the privileges of this House by giving away information that they had in their keeping. An Hon. MEMBER .- That is no excuse. Mr. HORNSBY .- No, it is not an excuse, but it shows this : that there is a great deal of hypocrisy in the people who prate so much about the "honour of Parliament " when it comes to a discussion of this kind. Now, I believe, myself, that reporters ought to be admitted to all Committees that are set up in this House, with the exception of what are called, and rightly so, secret Committees. It seems to me that a Committee of Parliament holding an inquiry is very much in the same position as

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the Supreme Court. Parliament is, we know, considered a party question. It is not a party the highest Court in the land, and therefore it question, but it is a question in which every member of the House is intimately concerned. would be only right if the Press of the colony Neither is it a question, in my opinion, in had the option of going in to report the pro- which personal considerations ought to enter. ceedings of the Committees set up by the So far as I am personally concerned, I consider House. I think that then many things that that I am a friend of Mr. Cohen, the repre- are now hushed up, many things that are now sentative of the Dunedin Evening Star, and, so clouded over, would have the light of day brought to bear upon them, and that it would far as that paper is concerned, I agree with the be better for Parliament and better for the Right Hon. the Premier that it is a really good paper, and one that does justice to both sides of colony. I hope the Premier will go as far as the House. But we have a duty to perform, a he has stated to-day : that he will go as far as to bring in an amendment of the Standing duty to Parliament and to the people we repre- Orders of the House, thus enabling the work sent. The position, as I understand it, is this : done by these Committees to be reported fully A breach of privilege has been committed. Parliament has already decided on that point. if the Press so desire-if they are willing to de- Then, the question was referred to the Privi- vote their space to it. Sir, if I have spoken leges Committee, a Committee specially set up with a little heat, I hope honourable members for the purpose. That Committee has inquired will overlook that, for I feel this matter very strongly, for I want to see the Press of the and has examined a number of witnesses. We have most voluminous evidence of the witnesses colony maintain its position. And I want to say, before I sit down, that Mr. Cohen has acted that have been examined, but the most import- up to the highest traditions of his profession- ant witness, Mr. Cohen, refused to give evidence on certain important points. That is the posi- yes, to the highest traditions of his

profession. And it would be well if every professional man tion. Then, Sir, the Premier attempts to defend the Evening Star by saying that there was a simi- in the colony could say the same thing of every lar case in 1874, and on that occasion the House act of his life, as far, at any rate, as his pro- fessional career is concerned. I say that as decided to go no further into the charge. But, long as these gentlemen of the Press respect Sir, the case of 1874 is only parallel up to a themselves I hope we shall respect them ; and certain point with the one now before the House. I will say this: that very often the honour of First of all there is a parallel in this : that the members of this House is in the hands of the House decided that there had been a breach of gentlemen of the Press. Sometimes that power privilege. Then, the case was dealt with by a is abused, but I believe that, taking it by-and- Committee as in this instance, but in 1874 the large, the conduct of the Press of this colony is Committee was successful in finding out who were the guilty parties, one a member of the beyond reproach. Mr. MASSEY (Franklin) .- I think, Sir, that House and another individual outside of the House. These persons were called upon to I have heard the last speaker admit that he explain and apologize for the action they had belongs to the journalistic profession, and I am inclined to think that in his capacity as a taken. They did so, and had they not done so journalist he has forgotten his position as a a fine would undoubtedly have been inflicted. However, Sir, that case, as I have shown, is not legislator. We can come to no other con- clusion when we hear him say that the paper parallel with the one now before the House. in question, the Dunedin Star, ought to be Then, the Premier told us of a case that had thanked-for what? For setting Parliament occurred before the Home Parliament during at defiance-the Parliament of which the the time of Mr. Disraeli. I suppose it is the honourable gentleman is a member by pub- one referred to by May. This is what May lishing, in defiance of Parliament, evidence says :- taken before the Mines Committee ! Sir, I listened with regret and surprise to the two made of the publication in two newspapers of the proceedings and evidence taken before the speeches that we heard this morning from the Select Committee on Foreign Loans. The Treasury benches-from the Premier, Mr. Sed- don, and his first lieutenant, the Minister for publication was declared a breach of privilege, Railways. So far as the Right Hon. the Pre- and the printers were ordered to attend ; but as it appeared in debate that the publication had mier is concerned, I have always understood that it was the first duty of the leader of the not been unauthorised by the Committee, they House to defend, maintain, and support in were directed to report the circumstances under every possible way the rights and privileges of which the documents had been communicated Parliament. But, Sir, what position does the to the newspapers. A special report was ac- cordingly made, and no further proceedings right honourable gentleman take up on this occasion ? By way of excuse he tells us that were taken." the evidence was published on this occasion we are now dealing with, because May says in the interests of the colony. Sir, what that the publication was not unauthorised. That did the Premier mean ? Does he not know- is equal to saying that the publication was does every member not know-that, after authorised by the Committee, and therefore the every Select Committee reports to Parliament, matter was allowed to drop. Then, it was sug- the Press can publish every line of the evidence gested that we should amend our Standing taken before those Committees? I agree with others that have spoken that this should not be | Orders so as to bring them into line with the "On the 13th April, 1875, complaint was Sir, neither is that case parallel with the one

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Standing Orders of the Imperial Parliament on this point of reporting the evidence of Select Committees. Our Standing Orders on this point are almost word for word with the Standing Orders of the Imperial Parliament. Standing Order No, 349 of the House of Commons says :- " By resolution of 21st April, 1837, according to the undoubted privileges of this House, and for the due protection of the public interest, the evidence taken by any Select Committee of this House and documents presented to such Com- mittee, and which have not been reported to this House, ought not to be published by any member of such

Committee or by any other person." That is almost word for word with the Standing Order we have in connection with our procedure. Then we were further informed by the Premier that it is the custom at the present time for the House of Commons to allow the proceedings before the Select Committees to be reported. That, I admit, under certain circumstances ; but in every case they require the Chairman of the Committee to ask for the consent of Parliament. This is what May says :- "It is the general custom to withhold the evidence until the inquiry has been completed and the report is ready to be presented, but, whenever an intermediate publication of the evidence or more than one report may be thought necessary, the House will grant leave, on the application of the Chairman, for the Committee to report its opinion or observations from time to time, or to report minutes of evidence only, from time to time." That, Sir, is the position in the Imperial Parliament. I have been in this House for a number of years, and I have had an opportunity of listening to discussions on a number of breaches of privilege, and, in this connection, my mind goes back to what occurred in 1896, when before the Banking Committee Mr. Watson refused to give evidence. What happened then ? He refused to answer questions put by the Chairman (Mr. Graham) and the Premier. The Chairman reported to the House that Mr. Watson had refused to give evidence ; and the leader of the House, the Premier, moved that a breach of Mr. Watson's privilege had been committed. was heard at the bar of the House, and persisted in refusing to give evidence. Let me remind the Premier of what he said on that occasion. He said :- "I have not taken any step in connection with this matter without experiencing pain at being forced into the position ; because, personally, I am friendly with Mr. Watson, and I have very great respect for him ; but I say that if he had been my brother and my dearest friend, and I found that our rights and privileges as representatives of the people were being encroached upon, no matter what the consequences might be, I should still do my duty. In this case I have been placed in a most unfortunate position in having to insist on our rights being observed; and, under the circumstances, I think that honourable members ought to say that I am doing my duty in endeavouring as far as I can to do that which, as leader of the House, I am bound to do-namely, to see that our privileges are maintained." Sir, in 1896 the Premier was willing to do his duty with regard to the privileges of the House, even if the offender had been his dearest friend or brother ; but he is not willing to do his duty now when a wealthy and influential newspaper is concerned. That is the difference. To sum up the position, as I understand it, it is this : There are two counts in the indictment which we are now dealing with. One is with regard to the breach of privilege itself, for which I submit the proprietor or the publisher should be called to the bar of the House to apologize and explain, and if such apology is not forthcoming they ought to be fined more or less heavily according to the circumstances. Mr. FISHER .- The contempt should come first. Mr. MASSEY .- Perhaps that is so. I am not well enough up in the matter to say which should come first. Then, with regard to the witness refusing to give evidence: Mr. Cohen has admitted the offence, and it is only for the House to say what the punishment should be. I think it should be a fine. I do not say it should be a severe fine; but I think a fine of £5 or £10 would meet the case. Bu: so long as we have Standing Orders I think those Standing Orders should be complied with. and I think, in this connection, the House should assert itself. It should not allow itself to be trifled with, and if it takes up that position there will be fewer breaches of privilege in the future than in the past. Mr. SEDDON (Premier) .- Sir, the amendment, if carried, would be a gross violation of every precedent of representative institutions. I defy any member of the House to give me a parallel case where a penalty has been inflicted without the person having been called before the bar of the House. There is no precedent, and it would be a gross injustice. I hope the honourable member for Wellington City will not forget that when I said to the honourable member for Bruce, " Why don't you move an amendment imposing a penalty ?" He said "You don't catch me." What the members of the Opposition would like to do would be to give the Premier a slap in the face ; but they would like to do it through some one else-they would not do it themselves ; and that is the interpretation of the words. " You don't catch me." I will undertake to say

there is not a member of the Opposition but will vote for the amendment, and they will only do it to show to the House and the country. if possible, that the Premier cannot lead the House. I know what they mean. But, if they think that I am blind, or deaf, or asleep, they make a very great mistake. All I can say is that. it does not redound to the credit of the relics of the effete Opposition when they make a question of privilege a question of party. I saw the member for Palmerston rushing and getting a Hansard and giving it to a messenger, and the messenger giving it to

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the member for Wellington City, and he or onlooker ? Was he thinking of something quoted from it. else at the time? Is he a gentleman with a Mr. PIRANI .- No, he did not. strong memory and a recollection of the past ? Mr. SEDDON .- Yes, he did. I saw you give Yes; every one knows it to be so. The oppor- the Hansard to the messenger, and the messenger give it to the member for Wellington City (Mr. Fisher), and I thought the member for Palmerston was making the balls that he cited that there had been a breach of privilege. member for Wellington City was to fire. There At the time the House did not trouble itself as was a time when we did not see that going on in the House. But it shows the good sense of the asked the question. There was no necessity to member for Wellington City, for, if what they do so, for the reason that the publication had been made. There was the paper containing member for Palmerston is now saying is correct, Mr. Fisher was not prepared to be the mouth- the evidence. The whole thing was complete. piece of the member for Palmerston, and I There was no question as to how the document think all the more of Mr. Fisher if he took that was obtained, and the House at once asserted dignified position. Then, Sir, we have parallel that there had been a breach of privilege. cases in the House. I could name several, but Then, Sir, I would like to know whence came I do not want to bring in the names of those who have passed away, who have committed did that come? Why, Sir, it came from the breaches of the privileges of the House. honourable member for Franklin, Mr. Massey And what was the attitude of the House the general manager of the Opposition for the then ? It was not a question of privilege, but time being. That is the gentleman who suggested a case of defying the Speaker in respect to a gested the Committee, and why did he do so ? grave breach of privilege. And the House said, I will tell you : my colleague this morning in- "That this House regrets that the member for formed the member for Franklin that it was he -should have done so-and-so." The honour and dignity of the House was considered to be able gentleman did not deny having made the vindicated by the House itself expressing its suggestion -- regret. That is to be found in the records of the House time after time. Mr. FISHER .- Why do not you give the vent the reporter and the publisher coming before the bar of the House. I am now placing case ? Mr. SEDDON .- If you want the case, that the position before honourable members. First of all, you adjudged the publisher of the Even- was all that was done in the case of Mr. ing Star guilty of having committed a breach George Hutchison, the late member for Patea. Mr. FISHER .- I did not ask for that case. of privilege. If a Court has decided that a per- Mr. SEDDON .- You thought I could not son has been guilty of offending, that person is give a case. I have told the reasons there are, brought up to receive the decision of the Court. Instead of that, the matter, in this case, was of a delicate character, for not bringing up the sent to the Committee. I would ask, What names of those who are not here now. What has the House done? Has the House gene- for ? and would answer, To try to "get at " rally or in every case guarded its privileges? I some one else besides the publisher. say it has not done so. This session members of the House must have known, week after week, the proceedings of Committees have appeared course, I cannot cast any reflections upon mem- in the public prints throughout the colony, bers of the Committee, but my own opinion is, and I think I am pretty well within the mark, and not a single member has brought it up before the House. And why? Because the evi- that they wanted some one else. They were dence suited them ; the evidence was against not satisfied with the offending newspaper and the workers of the colony, and it suited the the reporter for that newspaper. They wanted majority of the members, and

because it suited to get some one else; and now, because they have not got some one else, they want to inflict them there was no question of privilege. There a heavier punishment upon the newspaper. I was no question of privilege, because they would say, Sir,-and I say it with a due sense of re- have had to bring in every newspaper in the sponsibility,-that had Mr. Cohen given the colony, and there was not a single member who name of the person who supplied him with the would have the boldness to do that. Hon. MEMBERS .- Why did you not do it ? information, or allowed him to get it, and if that person had proved to be a member of the Mr. SEDDON .- You are gradually getting to where I want you. Who brought this matter House, a resolution exonerating the paper would have been carried without a single dissentient. on the floor of the House? Was it the leader of the House, or was it the member for Bruce that raised the question of privilege ? the matter. Having failed to do that, having Mr. ALLEN .- The Chairman of the Com- failed to get the reporter to do a dishonourable mittee brought it up. action, they cry, Shylock like, "Blood, blood !" Mr. SEDDON .- I say the member for Bruce was the person who brought it on the floor of Sir, I have been a long time in this House, and I know what goes on, and I know what the House. So far as the Star is concerned, was has been done in the present case. If, Sir, the the member for Bruce an impartial observer tunity arrived, and he brings the matter up, and the result is " privilege." And 4.0. then, what did the House do? It de- to how the information was received. It never the suggestion of a Committee? From whom who suggested the Committee, and the honour- Mr. MASSEY .- I do not deny it. Mr. SEDDON .- And he said it was to pre- An Hon. MEMBER .- " Fossicking." Mr. SEDDON .- I believe that is so. Of Mr. PIRANI .- Question. Mr. SEDDON .- I have got my opinion on

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a resolution inflicting a substantial penalty upon this paper, the gentlemen opposite would have at once moved to reduce it to a nominal sum. By so doing, they would, no doubt, ex- pect to receive the support of the Press of the colony. I say it was open, and is still open, to me to put that construction upon their action. I say, Sir, we must always temper justice with mercy. If the House considers, when there has been open and continued defiance of the House, and it is satisfied by simply saving, as has been done, to my knowledge, in a dozen cases, that the House regrets that the member for so-and- so should have done so-and-so, I say, Sir, if that is sufficient in the case of open defiance, then, in a case like this, where there has been an expression of regret for what has taken place --- Hon. MEMBERS .- Where ? Mr. SEDDON .- I say it is in that letter, and any one who fairly and impartially reads that letter will admit it. Mr. W. FRASER .- It is an insult. Mr. SEDDON .- I say it is nothing of the kind. The writer of that letter has been on the horns of a dilemma, and wishes to put himself right before the House by showing that he has not wilfully disobeyed or defied the House : while, on the other hand, his position as a man of honour, and as one belonging to an honour- able profession, prevents him from giving infor- mation that honourable members desire. Mr. FISHER .- That letter is pure and un- adulterated "cheek." Mr. SEDDON .- That is a matter of opinion ; I do not think it is. The member for Wel- lington City (Mr. Fisher) has every reason to feel hurt at the treatment he has received from the Press of the colony, and he is justified, within fair and and legitimate bounds, in taking advantage of his opportunity; but I say that this is not the opportunity. I have been asked why I did not give my authority in the House of Commons case. I should have thought honourable members would have taken it as read, as the authority is Disraeli, and that his views would be taken as a guide. In the case that I referred to there had been a gross viola- tion of the Standing Orders of the House of Commons, so much so that that House, as this has done, decided that a breach of privilege had been committed, and ordered the offender to come before the bar of the House, and passed a resolution that the publisher of the newspaper should come before the House to receive punish- ment ; but this is what happened : In moving the discharge, and the striking out from the records of the House of Commons the reso- lution that a breach of privilege had been com- mitted, Mr. Disraeli said, Mr. PIRANI. - What Committee is that ? Surely you are not going to quote Disraeli's time. Mr. SEDDON .- I have had



the case of the 3rd April, 1875, quoted by Mr. Massey, and I am going to quote the 16th April, 1875. He gave us the commencement, but did not give us the finish. Mr. Seddon Mr. SEDDON .- We find that on the 16th April, 1875, the motion was made and the question put, "That Mr. Francis Goodlake, the printer of the Times newspaper, be called in." And, later on, Mr. Disraeli moved as follows :- "I now move, Sir, That the order for the attendance of Mr. Francis Goodlake, the printer of the Times, and Mr. W. R. Hales, printer for the Daily News, to attend at the bar of the House be read and discharged." The House of Commons affirmed that a breach of privilege had been committed, and then Mr. Disraeli moved that that order be discharged. But, to show you the opinion held by him, on the motion of Mr. Lewis that these gentlemen be called in, Mr. Disraeli said :- "It is not at all wonderful that either the honourable gentleman whose conduct is impugned, or his friends, or any gentleman influenced by a sense of what is due to the House, and by what is for the general interest of the House in which he has a share, should have felt, as the honourable and learned member for Londonderry did, that something should be done to vindicate the character of the individual member, and give him that opportunity of vindicating his honour and character which we all desire he should have. Having arrived at that resolution, they would, and they did, naturally avail themselves of the privilege of the House, which cannot be impugned, and which the highest authority has pronounced to be violated in the present instance ; and though it is one that has been fortunately in disuse, still it is not an obsolete one, and I must remind the House there are many which are seldom had recourse to, which are often referred to in debate and described as obsolete. but which the House has steadily and studiously refrained from abolishing, in order that they may on occasions guard the House and its members from abuse." In other words they kept this on the Standing Orders, and the committal would be a breach of its Orders, but the Standing Order was kept there so that occasionally it might be prevented from being abused. Now, that is the position that was taken up by the leader of the House of Commons on that occasion. Mr. Disraeli said, - "That, I am sure, the House will take into its consideration. Accordingly last Tuesday the honourable and learned member for Londonderry brought the question before the House as a breach of privilege, which it cannot be said it is not. I had occasion to address the House after the honourable and learned gentleman. and being myself very adverse to having recourse to this privilege except it is unavoidable. I indicated to the House, in observations I made with little preparation, as the matter had come suddenly upon us, a course which I thought would save us from the painful one of asserting this ancient privilege, and that was : that some member of the Committee, or its most important member, should place the matter clearly before the House without at all entering

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into the merits of the case which was before the Committee. That suggestion was received by a dishonourable action, and expressed regret ; the House with favour, but it was not productive of success in the quarter to which it was addressed, and we were informed subsequently on his being penalised ? I say the two things in the debate by the noble lord the leader of the House are glaringly inconsistent. We have heard, Opposition that the Chairman of the Committee again, respecting persons being interested. My friend declined to assist the House in the manner I answer to that is that the person interested had suggested, because it was a rule of the House in this matter was Mr. Easton. The person of the House that transactions of a Committee should be interesting in this matter said he had been wronged, and he wanted to take up the same point - not be discussed while it was sitting upstairs. That is an excellent rule as a general rule, and it is ; and if they had done what had been done I trust it will always be observed." by the Evening Star, I should not have taken But the point I want to make is this : that up to the same attitude with respect to the matter ; but as they have expressed their regret, I would here you have a parallel case where the - Mr. PIRANI .- It is not a parallel case. ask the House to accept that

without anything Mr. SEDDON .- I say it is, because it was further being done. I say you cannot possibly inflict a penalty without bringing the accused person to the bar of the House. To bring any one, whether, and it was published in the papers to under present conditions, to the bar of the House which I alluded, and then, although the House is little less than a farce. I said so this morning had affirmed that that publication was a breach, and I repeat it now. There is usually on of privilege and called upon these publishers to these occasions a little badinage by members appear before the bar of the House, yet, with- of the House with the counsel for the person who appears at the bar of the House, and it out any further explanation-no expression of generally ends, as far as I know, in some resolution, regret either, such as we have here to-day, and no letter explaining or extenuating it-without a resolution being carried something on the lines of anything further being said, the leader of the resolution which I have moved. I must, in House moved to expunge from the records of conclusion, say this : that the one who generated the House the order calling upon them to rally profits in a case of this kind is a member attend. I say if that is not a parallel case I do of the legal profession. He has to get a very not know where you can get one. I would not handsome fee when he comes before this House. have troubled the House with this if my word It is the highest Court of the colony, and being had not been called in question. the highest Court of the colony the lawyer expects a fee correspondingly. Now, Sir, I wish Mr. FISHER .- Why not move to expunge in this case ? to say a word as to who is at the bottom of this Mr. SEDDON. - I generally like to do as I resolution. I must, in justice to my colleague, think best myself. Now, we had this case of say that it is not his responsibility at all. It Mr. Watson's brought up several times. I say is not his suggestion. It was carefully come to by Ministers, after we had gone into the that that is on an entirely different footing. Mr. Watson was appointed by the Government matter fully and carefully, and, that being the of the colony to his position at a very high case, I simply say now to honourable members salary-he was practically the representative of that to carry the amendment without giving the colony in the position he held ; and, that the parties an opportunity of coming before the being the case, when Parliament, which was bar of the House would be laying down a most his master, asked him to answer its questions, dangerous precedent. I challenge any member and he declined to obey it, I say his offending of the House to say that there has ever been a case where a penalty has been inflicted without was great. And that was considered when we decided to inflict the penalty we did. On the the person charged being given an opportunity other hand, there was this to be said : that he of coming before the bar of the House or without had probably taken, as bankers do, a declaration making an explanation. If, therefore, you negative the amendment, the resolution is still that he would not divulge the business of before the House, and it will be for the House the bank, and, as it might have injured their purposes, he refused, in the interests of the to deal with it. I make these few remarks as bank, to give evidence; but it should not be I should like to see the House get on with the forgotten, at the same time, that he was occupy- business of the country, and not waste any more ing a position to which he had been appointed time over it. by the Government of the colony. Now, it has been said that I lauded the witness who refused have very few words to say, Sir. The position in the present case to give evidence. I did not as I regard it is this: Standing Order No. 229 thing of the kind. I said if I was in his place I states :- would not have given evidence. I do so now, of the House, and documents presented to such and I do not think there is a member of the Committee, and which have not been reported House but who feels that if Mr. Cohen had to this House, ought not to be published by divulged who his informant was he would have any member of such Committee, nor by any lowered himself in the estimation of every other person." member of the House. I believe that is the general sentiment. Well, then, if that is the an offence has been committed; but the whole case, is it consistent for you to say you would Mr. WILFORD (Wellington Suburbs) .- I "The evidence taken by any select Committee Now, every member of the House admits that

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travelling into musty precedent, which most honourable members say they desire to see swept away. Surely the whole question is, What is the penalty to be inflicted upon Mr. Cohen ? The whole question is, Shall we punish Mr. Cohen, or the publisher of his paper, and shall the penalty be by way of fine or by way of condemnation by resolution. Surely every honourable member has made up his mind as to what he believes to be the proper form of punishment for an offence such as this. Every one admits that the Standing Order is clear and explicit, and every one admits that something has got to be done on account of the breach of that Standing Order. We have a resolution moved by the Premier, and we have the amendment moved by the honourable member for Wellington City (Mr. Fisher). Members are therefore in this position: If they do not desire to support the amendment of Mr. Fisher, the "No" lobby is open to them ; if they desire to support the amendment, the "Aye" lobby is open to them. What is the use of going into old precedents, and quoting some bygone, though historical, dicta in this case? Let us waste no further time and get to business. Some honourable members have spoken about the position a Court could take up in a case of this description. Suppose a man has been found guilty of contempt of Court. If it is his first offence, we extend to him the benefit and the mercy of the First Offenders Probation Act. Surely if ever there was an instance of a man having offended for the first time it is this very case; and, if we have got to punish Mr. Cohen, or the publishers of the paper, it should be done in the same way as a Judge would punish any man who has been guilty of a first offence. What penalty should be inflicted for a first offence inside or outside of the House ? So far as I am concerned, I am going to do my best to uphold the Standing Orders. If there were no Standing Order my position would be different, but while the Standing Order protects the dignity and honour of this House I shall support it. I am not going to support a harsh or heavy penalty for this offence, for which Mr. Cohen has expressed regret; and I hope honourable members will take my view and get to division, instead of wasting the money of the country in a long and fruitless debate. Mr. PIRANI (Palmerston) .- Sir, the Tory precedent which the Premier quoted just now would have been a splendid precedent to suit his own case but for one fact, and that fact is that the Select Committee authorised the publication. Mr. SEDDON .- No. Mr. PIRANI .- Yes ; here is the actual case. It says that the publication " had not been unauthorised by the Committee." Now, I regret very much that the breach of privilege committed by the paper has been mixed up with the reporting of the witness to the House for refusing to give evidence, because I maintain they are two distinct offences, and they ought not to be confused in the way the Premier has so skillfully mixed them up to-day. A great Mr. Wilford bemoans about information leaking out from a caucus. Well, there has been a caucus to-day, and information has leaked out from that caucus about the Premier, who actually told us that this ought not to be made a party question, rallying up his forces at the caucus, and taking very good care that it was made a party question amongst his own supporters. And, if I were to repeat some of the arguments that the Premier used to persuade his followers to vote for his motion, it would be seen that it is not the desire of the Opposition to get at the person who has given the information that is troubling the House, but the desire of the Premier to prevent the person who has given this information from being got at, that has induced the alteration of the resolution. Why, the whole of the Premier's argument at that caucus went in that direction. An Hon. MEMBER .- That is pure speculation. Mr. PIRANI .- It is an absolute fact. What is under discussion now, I think, is not the question of the publication of the evidence at all, but the question of the refusal of the witness to give the information asked for by the Committee. If that witness had come down to the House with a full expression of regret, even though there had been a breach of the Standing Orders, I do not think one member of the House would have objected to the attitude that has been taken. But if you call this letter an expression of regret at the action that has been taken in publishing the evidence, I do not. Why, the letter is a worse offence than the witness committed before. If any member of the House-and I have been in that position myself-who had been reported to the

House and was asked as to the position he would take up in regard to the offence he was charged with, had, instead of merely stating his regret and expressing his opinion on his own action in regard to that regret, launched out into a long explanation as to what the House ought to do in regard to their Standing Orders about similar offences in the future, the Speaker would have been the very first person to have checked that member for travelling outside his own personal explanation. Now, as to this letter : in the first place, there is no complete expression of regret in it. In the second place. the witness has gone outside the privilege that is given to persons in his position by attempting to dictate to the House what action they should take in amending their own Standing Orders. Now, it has been said that there is an expression of regret in this letter. I am going to read the only expression of regret, and I ask honourable members if they believe this is the attitude they should take under the circumstances : - "I regret that my bona fide endeavour, through the medium of my paper, to assist in the prosecution of a searching inquiry into a matter of the greatest concern to the mining industry of Otago has led me to commit 3 breach of privilege." Now, that is how regret is expressed. 4.30. An Hon. MEMBER .- There is another paragraph. <page:385>

Mr. PIRANI .- No; I have searched through in the matter, and that in the last paragraph it, and it would please me if the Premier would find another paragraph in which the word F: " regret " appears. An Hon. MEMBER .- Repeatedly. Mr. PIRANI .- No, it is not. I will read the majority of the members of this House to go whole letter if you like :- into the subject at issue at all. There has 1\ "I wish to address your honourable House through you in respect to a matter which is to engage its attention to-day. "The House has already decided that the publication of certain evidence given before its know very much about the workings of ; Mines Committee prior to the report of the Committees, but if the work of other Com- latter is a breach of its privileges; and the Privileges Committee, to whom the subject was 1-1 referred, have reported that, with regard to .. of the evidence which is given before Select certain questions put to me as a witness, I declined to answer the same. " With respect to the first point, I wish to state that matters of the greatest interest to the people of New Zealand generally, and of Dunedin (where the publication took place) in particular, are involved in the question of the promotion and flotation of companies concerned in the dredging industry. "Your honourable House was petitioned to make the fullest inquiry into alleged grievances, lished broadcast evidence, and I do not know and I believe the Select Committee were endeavouring, in the public interest, to sift the matter thoroughly. Nothing, in my judgment, could aid them so completely in prosecuting their investigations as the publishing of the evidence, for thereby the public knew what were the subjects being inquired into and what were being omitted, and what evidence therefore remained to be supplied to the Com- mittee in order that they might have the whole facts before them before making their report to your honourable House. From information re- ceived, I can state that the report in the Dunedin Star will have the desired effect, and the Committee have tendered to them evidence which will enable them to make a far more searching inquiry than would otherwise have been the case. It was simply with the desire of enlarging the scope of the Committee's in- vestigations, and thereby of assisting your House and one of its Committees, that I pub- lished the evidence. It was not with any view of transgression against the wishes of the House or the Committee that the report was made. action of the Government in raising money on Proceedings of the Committees on the Counties and Factories Bills have been published by most of the papers of the colony, and with beneficial results. From the views enunciated in the House on these two measures, it is the desire of the present Parliament to make these Bills suitable to the wishes of the inhabitants of New Zealand ; and by the publication, before the Committees have concluded their labours, opportunities have been afforded of obtaining the consensus of opinion of the people directly concerned in the passage of both measures." And then there is a long rigmarole about our Standing Orders; and then comes the final paragraph I have read, and that is the only thing approaching an expression of regret. I am glad the Minister of Mines shows by his

interjections that he can see eye to eye with me the expression of regret is not such an expression as ought to have been made. The difficulty with regard to the whole of this matter has been that there has been no attempt by the members to examine the evidence that was presented before the Committee ; but that evidence reveals a most remarkable state of affairs. I do not think it is carried out in the fashion it appears to have been in the Mines Committee the only thing that surprises me is that the whole Committee, and which is not intended for publication, is not published. But, before going into that matter, I think it is only fair to do justice to the ex-member for Patea in regard to several aspersions that have been made against him to-day. Any one listening and not knowing anything of the circumstances would have thought that the ex-member for Patea had committed some terrible offence against the privileges of this House - that he had published what, in reference to what had taken place before the Select Committees. What are the facts ? The Public Accounts Committee, under the manipulation of the Premier, had gone on for months pretending to investigate a matter, without reporting it to this House. An Hon. MEMBER. - You are making the case. Mr. PIRANI. - No, I am stating the case ; if the Postmaster-General can contradict my facts he will have the opportunity of doing so. The Public Accounts Committee had over and over again refused reporting the matter, which was one of great importance to the House at the time. The question which at that time the Committee was investigating was whether the Government had collared the sinking funds belonging to the local bodies' loans. But we could get no information; the Committee would not report, and Mr. Hutchison placed on the Order Paper a notice of a motion in which he stated that the House regretted the debentures issued against the sinking funds of local bodies' loans to the extent of £85,200. That was the offence ; that was the crime he committed. For daring to do that the Premier brought him before the House, and had the offence of publishing these figures made a breach of privilege. An Hon. MEMBER. - You voted for it. Mr. PIRANI. - Decidedly, because, as a matter of form, it was a breach of privilege. I always vote right. Mr. SEDDON. - Then, you were whipped into line ? Mr. PIRANI. - Undoubtedly ; but the Premier was afraid to face the consequences. When he was asked afterwards to move a motion dealing with the offender the Premier was not game. He knew very well that, while a

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matter of form, the House was so pleased to get the information the Premier himself had refused to give, and had fought against giving, that they would not punish the offender. That is the great breach of privilege case the Premier has quoted as a precedent. Now, with regard to the present offence, I say undoubtedly the representative of the Dunedin Star has taken the only course he could possibly take - that no man in his position could take any other course. But what, I say, about the man who supplied him with the information ? What about the gentleman whom the Premier had to beat up a party caucus for to-day to protect ? What about the real offender - the only man who could give the information ; because there was only one member present on the Committee who could give the information in an honourable way, and that is the person who had the custody of the papers ? Now, from the evidence there are only two persons who had the custody of the shorthand writer's report - the Chairman of the Committee, Mr. Jackson Palmer, and the Clerk, Mr. Izett. It was very clear from the evidence given before us that the Clerk of the Committee could not possibly have given the information. An Hon. MEMBER. - Who did ? Mr. PIRANI. - As you ask me the question, I say it lies between two persons - the Clerk of the Committee and the Chairman ; and I express my opinion that the Clerk of the Committee could not have given the information. I add, further, that the only person left who could have given the information was the Chairman of the Committee. An Hon. MEMBER. - What about Mr. Cook ? Mr. PIRANI. - I am going to explain about Mr. Cook. Of course, the other persons who had the information were the witnesses. Mr. Easton gave evidence before the Committee that proved he was not in a position to give the information for publication in this newspaper. Mr. Cook certainly had it in his possession long enough for the

publication to take place, but it was against Mr. Cook's interest for the evidence to be published, for this reason : that the evidence that was published only contained Mr. Cook's partial defence. He asked for Mr. Easton's evidence to enable him to meet the charges that were laid there, and to cross-examine Mr. Easton, and the charges had not been met by Mr. Cook when this evidence was published. Therefore it is reasonable to assume that no man would be a party to the publication of evidence that went against his own interest. And another thing is this: that Mr. Cook was the person to complain of the publication. Mr. Cook brought it before the Committee, not the member for Bruce. We have it in the evidence that the Chairman, Mr. Palmer, said it had been brought before the Chairman of the Mines Committee by Mr. Cook. The Premier is now whispering to the Chairman of the Mines Committee, and I object to the Premier telling him that I have absolutely accused the honourable member of it. An Hon. MEMBER .- That is the insinuation. Mr. Pirani situation, and I repeat it. There were only two persons who could give the evidence- the Chairman of the Committee and the Clerk- and there is undoubtedly evidence that the Clerk of the Committee did not do it. Mr. PALMER .- You mean to say I did. Mr. PIRANI .- You can take what meaning you like out of it. Mr. PALMER .- I move, Sir, That the words be taken down. I am accused of an offence by the honourable member, who has gone in an underhand way about it. I have heard the accusation surreptitiously uttered by Mr. Pirani outside, and I take it as an insult. I think every member of the Committee will admit that I have conducted this matter fairly. He is now making these insinuations, and I ask that the words be taken down. Mr. DEPUTY-SPEAKER .- The usual course is to ascertain if the honourable member makes a charge, and I think there can be no doubt that the only meaning that can be assigned to his words is that he does charge the honourable member with giving away that evidence. I therefore ask the honourable member to withdraw the charge he has made. Mr. PIRANI (Palmerston) .- I did not charge the honourable member with having given the evidence. The matter is not so clear as that ; but I repeat what I said : that there are only two persons who had possession of the evidence in such a way as to have given it to the reporter of the Dunedin Star-the Chairman of the Committee and the Clerk of the Committee -and I say that, personally, I do not think the Clerk of the Committee did give it. I leave it to honourable members to draw their own conclusion. Mr. DEPUTY-SPEAKER .- That is, to my mind, an indirect insinuation that the honourable member has given it, or that the evidence has been obtained from him, and it is a rule of this House that the statements of honourable members as to their not having given evidence must be accepted. The honourable member, not only in his place in the House but as a witness before the Privileges Committee, has stated that he did not give the evidence, and did not know who had given it, and he has also made that statement again this afternoon. I must ask the honourable member to withdraw the insinuation. Mr. PIRANI .- I withdraw it. Mr. PALMER .- I think he should express regret for making the insinuation. I think I am entitled to have that. I think it is not sufficient that he should make the statement and withdraw the charge. Mr. DEPUTY - SPEAKER .- I think my ruling is sufficient. The charge was not made in a direct way, but only by implication, and I have held that a charge made by implication was not in order, and that the honourable member should withdraw it, and he withdrew it. I have insisted that this should be done, and the honourable member has done so. Mr. PIRANI .- If the honourable member wishes me to express regret I shall only be too

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pleased to do so, but I am now going to read the evidence, which will put the matter before honourable members in a stronger light than I could. This is the evidence given by Mr. Jackson Palmer, M.H.R., Chairman of the Mines Committee, Question 19 :- \- " Did you have in your possession at any time a typewritten copy of the evidence ?- Yes; as Chairman I had half a dozen copies for the use of members of the Committee." Every member of the Committee denies having had a copy of the evidence, except the one copy which had been used by members of the Committee and witnesses for the purpose of correcting their evidence. Then, question 23 :- "You have reason to believe that copies of evidence were

left lying about in that room ?- T'es. We have not got that room all to our- selves. We left some copies in that room." Now, the evidence of the Clerk of the Com- mittee is that he did not produce the evidence to the Committee or to the Chairman until the meeting of the Committee on the 22nd, when it would have been too late to have given it to the Dunedin Star to publish ; but he placed the evidence, when it was not being used for witnesses to correct, in a cupboard in the Committee-room, to which there were three keys-like the custody of the public securities. One key was held by the Chairman of the Com- mittee, one was held by himself, and one was held by the ex-Chairman of the Committee, Mr. Carncross. The latter did not go to the Committee-room at this time at all, and that accounts for the three keys. Sir J. G. WARD .- It is only fair that you should give what Mr. Izett says. Mr. PIRANI .- I will come to that. Ques- tion 25, - " Of course, it is possible that some person might have had access to those copies ?- Quite possible : for, as I say, we have not got a Com- mittee-room to ourselves. Other Committees use that room." Question 28,- "Notwithstanding which, you think it pos- sible that copies of evidence may have been left about ? - It is possible ; I do not say they have been, but I do not want to say they have not been left about when they might have been there." Now, we have the first question, in which the Chairman said they had been left about, and we have the subsequent question, to which he says he would not say they had been lying about. Question 38,- " You say that copies of the minutes of evi- dence were left lying about ?- Yes ; I have seen them." But he would not say he had seen them lying about. Then, again, Mr. Palmer said, in answer to question 61,- "So that, independent of any possible leak- age there may have been from the room, there were at least eight other persons who could have given the Dunedin Evening Star the evidence which has been published ?- That is so." Then, again, the most extraordinary evidence given by Mr. Palmer is what was given on the last day of the sittings of the Committee. Mr. Palmer came up to the Committee to explain how careless a Clerk he had got. Apparently Mr. Palmer and the Chairinan of the Com- mittee, Major Steward, had been in conversa- tion about the carelessness of the Clerk. The Chairman of the Privileges Committee asked Mr. Palmer to tell the Committee what had transpired in regard to the custody of the Com- mittee's documents, and, in answer to that, Mr. Palmer goes into a long explanation as to how careless the Clerk was in leaving documents lying about. Now, coming to question 155, he was asked by Mr. Fisher how he would describe the giving of the evidence to the Dunedin Star. and he says,- " My own private opinion is that the property in these things belongs to the public, for whom we are only trustees, and the newspapers repre- sent the public." Mr. Fisher then asked question 156,- "Then, according to that definition, the Crown or the Parliament has no property in the shorthand report of the evidence, and that therefore it is perfectly permissible or right on the part of anybody to obtain possession of that report in any way ?- I do not say the Crown has no exclusive property, but I think Parliament are only trustees for the people. I do not think we should have any Star Chamber inquiries at all. I think a Committee meeting should be open to the public, unless it is a secret Committee, and in cases like a secret Com. mittee it should be a very serious breach of privilege to publish the evidence. Otherwise I fail to see that it is any crime at all to publish the evidence taken. It is no political crime; it is merely against the Standing Orders, which should be altered." What does the House think when the Chair- man of the Committee who has custody of the documents declares in evidence before a Pri- vileges Committee that there was " no political crime " in publishing evidence, but it was "only against the Standing Orders"! Who has placed suspicion on the honourable member ? He himself, in his own evidence, has located the suspicion, and it was not until I heard his evidence that I had the slightest idea he was concerned in the matter. The honourable member's statement that I had gone about aspersing him is just as incorrect as the state- ments he made on the Committee. With the exception of a reply to an inquiry made of me by a member of the Committee, in regard to who I thought was the offender, and which inquiry has been repeated to the honourable member, I have not made the slightest attempt to prove he is the offending person ; but his own evidence must give a very great deal of that complexion to

the case. Then, questions 160 to 162 are as follow : - "May I call your attention to what I conceive to be a broad distinction. I will put two cases : If a member of Parliament gives an abstract or epitome of proceedings before a Committee to a newspaper he is guilty of a breach of privilege ?- I believe so. <page:388>

newspaper uses the shorthand report of the Committee, which is the property of the Crown ?- Yes, it would be a more serious breach, I should say ; but being paid for by the Crown it is paid for by the people, and thus a lot of people know what has been paid for by the Crown by the report being published in the newspaper. "Do you see any distinction between your own contention, that the proceedings of this or any other parliamentary Committee should be open to the public, or to the newspapers generally, and the fact that this report was exclusively obtained by one newspaper only ?-- I think the Committees should be open to all newspapers." Then the question arose about the triplication of the evidence, and it was stated that it was very unusual for a Committee to desire more than one copy of the shorthand notes of the evidence given before the Committee, and it transpired it was on the Chairman's own order, without reference to anybody, that three copies of the evidence were produced by the reporter. He was asked by myself, - " Were any instructions given by the Committee to triplicate the evidence ?- No, there were not." "The instruction came from you ?- Yes; I thought it was the most expeditious way." It is very clear, if any member has any suspicion as to how the evidence came to be published, the suspicion can only fairly be obtained from the evidence given before the Privileges Committee. I regret very much that the honourable member should have been the one to lend colour to the aspersions made against him. In regard to this matter, I think the proper course would have been for the Premier to have allowed this witness to come before the House and express his regret, as an honourable member is compelled to do when he offends- express his regret completely at having committed the offence. If he had done that, the House could very fairly have dealt with him as a first offender, though I do not know whether the Probation Act would apply in his case. In regard to the amending of the Standing Orders, we should be clear as to what is best to be done. I should strongly oppose any attempt to throw Select Committees open indiscriminately to the Press. There might be no objection to an honourable member's suggestion of one man being accredited for the Press of the colony ; but where would you get a man to go to Committees and report for the whole of the Press ? The proper course would be either to authorise the Committee to publish the evidence, or I think the proper course would be to report to the House the evidence given before the Committee day by day, and it would then be in the possession of the public. But if you are going to open all Committees indiscriminately to the Press-there are, I think, something like a hundred and fifty newspapers in the colony, then anybody who wanted to be present at a meeting would only have to get a note from any paper he knows the proprietor of, and Mr. Pirani would have the proceedings. I feel sure the course I suggest is the only proper course. I regret the Premier, by his motion, has obscured the main issue, and mixed up the question of privilege and the action of the Committee, and I hope the House will, notwithstanding the direction of the Premier, take the proper course, strike out the words of the resolution, and-I do not say adopt the resolution of the member for Wellington City, but adopt some resolution that would express the sense of the House as to what has been done in contravention of its Standing Orders. So far as the assertion of the Premier is concerned -that I have been giving the member for Wellington City information in regard to the matter -- it is absolutely incorrect. The honourable member for Wellington City wanted 3 copy of the Hansard which I had, and asked me in the lobby about it, and through a messenger I sent him the copy. But before he got my copy he had already got another one, and did not want it, and used his own. This is a full explanation of the understanding between the honourable gentleman and myself. I hope I have got more sense than to attempt, & the Premier elegantly put it, to make balls for the honourable member for Wellington City to fire. Mr. SEDDON .- I wish to make a personal explanation. The honourable gentleman said a caucus of



the party was held for the purpose of shielding one of the party, and that at the caucus I had said so. I give that a most un- qualified denial. There is not a tittle of truth in the statement. Mr. PIRANI .- Is the Premier in order in saying there is not the slightest truth in my statement ? Mr. SEDDON. - I said "not a tittle of truth." Mr. DEPUTY-SPEAKER .- I think that ex- pression is not out of order. Mr. PIRANI .- All I have to say is that the Premier's statement is untruthful. Mr. SEDDON .- I move, That those words be taken down. Mr. DEPUTY-SPEAKER .- I must first ask the honourable member to withdraw the words as being unparliamentary. Mr. PIRANI .- Is it unparliamentary for me to say the Premier's statement- Mr. DEPUTY-SPEAKER .- The honourable gentleman must withdraw the words at once. Mr. PIRANI .- I will withdraw them, Sir. and will say that there is not a tittle of truth in the Premier's statement. Mr. DEPUTY-SPEAKER .- The honourable gentleman must see the distinction between what he has said and what the Premier said. The honourable member made a statement that the Premier had said a certain thing at & caucus. The Premier said there was not s tittle of truth in that. Then, the honourable member got up and said it was not a truthful statement the Premier made ; therefore he con- tradicted a statement of fact which the Pre- mier, and the Premier alone, is cognisant of.

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consideration. Sir, what did he say? He said Mr. PIRANI .- No; I was questioning the that the whole of his suspicions had been upon Premier putting words into my mouth I never me, because I had said in Committee. what uttered. The DEPUTY-SPEAKER .- It is not par- members have said in this House to-day- namely, that I considered the reports of the liamentary to say that the Premier's statement Committees ought to be published, and that is untruthful. Mr. PIRANI .- I withdrew that, and substi- I could see no crime in it. Have there not tuted exactly what the Premier stated he said been others outside this House who had this to me-that there was not a tittle of truth in evidence? Has suspicion been attached to any the statement made by the Premier. one else ? 'Why did the honourable member for Mr. DEPUTY-SPEAKER .- I pointed out Palmerston go behind my back and brand me with this ? that was an unparliamentary way of contra- dicting a statement the Premier may have made; the honourable gentleman must, in the ordinary parliamentary way, withdraw. back, and that is what I object to. Then, he Mr. PIRANI .- I withdraw the statement. talked of fair and honourable conduct on the part of the newspapers, and the honour of . I am very pleased to hear you say it is un- Parliament-the honour upheld by Mr. Pirani, parliamentary ; I thought by your previous the member for Palmerston. If parliamentary ruling you ruled it to be parliamentary. But I say the Premier has quoted my words language permitted me to express my opinion of the honourable gentleman I would do so. absolutely incorrectly. I never used the words he imputed to me. Then, if he wanted to act fairly and justly, Mr. FISHER (Wellington City) .- I wish to if he wanted to act as a man of honour, he would have given both sides of what make a personal explanation, which is merely happened before the Committee to-day. He to testify to the correctness of the statement knew perfectly well that witnesses had that of the honourable member for Palmerston that he made no balls for me to fire. I wished evidence out, and he also knew that others be- to refer to the precedent of 1874, quoted by the sides witnesses had been in that room, irrespec- tive of members of the Committee. He wants Premier. I had in my hand the 5.0. Journals of the House for that year, me to exculpate myself by branding other but I wished to amplify my illustration by members, by stating that they might have quoting from Hansard. I sent a messenger for done it. I have confidence in my Committee, and I do not care how the evidence was got. a particular volume of Hansard, and the honour- able member for Palmerston, Mr. Pirani, hap- To make such an insinuations is unworthy of a man who desires to have himself respected pend to have Hansard before him. While the by members of this Parliament. He knows messenger was searching for the copy I had sent him for, that honourable gentleman sent it to perfectly well that in the beginning the Clerk said that there were only three copies of the messenger, and that is how it came to me. As a further personal explanation, I would like the evidence, which were locked

away in a safe, and that one copy was supposed to be missing. to say that it was quite unnecessary for the Premier, when speaking to my amendment, to Notwithstanding this, six copies were produced say that he would allow it to be withdrawn. before the Committee, and yet a copy was Sir, I claim independent action for myself in supposed to have been missing. Does he say that I, and I alone, could have taken it ? If this House. I will not allow the honourable he had made that statement at the beginning gentleman to "allow " me to do anything. I will do what pleases me. of the proceedings it would have been far more Mr. DEPUTY-SPEAKER .- I think the honourable. He would then have been com- honourable member is going beyond the bounds pelled to withdraw it. I do not think it fair to make such a statement now. Sir, if you will of a personal explanation. follow the evidence you will find, in regard to Mr. FISHER .- Very well, Sir. It seems that after the caucus meeting the honourable the six copies that he accuses me of having gentleman has changed ground. I will have ordered, that their existence is fully explained in the evidence, which I ask honourable mem- some further remarks to make when his amend- bers to read. I subsequently told the Com- ment of the motion comes on. Mr. PALMER (Ohinemuri) .- Sir, I rise to mittee that I had ordered six typewritten copies, and gave reasons for doing so. The make a personal explanation. The honourable evidence had to be sent out to the witnesses ; member for Palmerston made a statement to the members that had asked questions had the effect that to-day's caucus was called to also to get it, and it had all to be corrected. shield one of the Government members, and in Three copies were therefore not sufficient. doing so made an insinuation against me. I frequently get reports of the different Com- Through you, Sir, I appeal to the members mittees sent to me now. Is the report which who were present at that caucus to say whether is submitted to the House the only one that is that honourable gentleman pointed to me, and issued ? We all know that that is not the case. whether the statement he made is correct. When I now get evidence from other Com- Honourable members can judge that for them- mittees of which I am a member, the first selves, and then judge the honourable member thing I do is to burn it, so that no one may be for Palmerston at his worth. If any one but able to say that I have been guilty of negli- the honourable member made that statement gence or carelessness. I submit that this is the the House would have given it more dignified Mr. PIRANI .- It was done to your face. Mr. PALMER .- It was first done behind my

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take under the circumstances. An Hon. MEMBER .- Is not that arson ? Mr. PALMER .- Arson ? I say it is better to commit the crime of arson by burning the evi- dence than by keeping it and being accused by such members as the member for Wellington City of allowing people to see it. If the honour of this House is to be upheld by such as Mr. Pirani and Mr. Fisher, then Heaven help- the Standing Orders of this House forbid me to continue what I ought to say in characterizing these honourable gentlemen in the way they should be spoken about. Mr. McGOWAN (Minister of Mines) .- I in- tend to move an amendment, but before doing so I desire to know if I will lose my right to speak to the main amendment. I desire, Sir, that you will direct me in this matter. I be- lieve that if I were to speak to the amendment now I would not have an opportunity of moving my amendment. The amendment that I pro- pose to move will come in about line 5 of the Premier's original motion. The first alteration would be the striking out of the words " as satisfactory." Mr. DEPUTY-SPEAKER .- I understand it is not intended to alter all the words of the original motion. In putting the motion, That the words proposed to be omitted stand part of the question, I shall simply put the question, That the words proposed to be omitted, down to the words "House accepts," stand part of the question. If they are retained, then - Mr. FISHER .- 1 rise to a point of order. How is it possible to amend the original motion before the amendment to it has been disposed of ? Mr. DEPUTY-SPEAKER .-- That is the point upon which my direction has been asked. The Minister desires to know whether he would be in order in moving a further amendment, after the amendment now before the Chair has been dealt with. If the amendment now before the Chair is put as to the whole motion, and the

words of the original motion are decided by a majority to stand, then the honourable member could not move to alter the words of the original motion. He wishes to alter the latter words of the original motion. I have told him that all the words in the original motion down to and including the words "House accepts " can be put as the question. If they are retained, then the honourable member can move that any words in the rest of the motion be struck out. But if all the words proposed to be struck out are to be struck out, then, as a matter of form, the rest of the motion would go too. Mr. PIRANI .- I would like to ask for a direction also. If the words are struck out, will it be possible to amend the amendment moved by Mr. Fisher? Mr. DEPUTY - SPEAKER. - The original question was, That all the words of the motion after "That " be struck out with a view to inserting these words : - " the House having declared the publication by the Dunedin Evening Star of August 23rd and August 27th of evidence taken before the Goldfields and Mines Committee was a breach Mr. Palmer sentative of the Dunedin Evening Star, having refused to state who furnished him with the shorthand report of the evidence, that he be fined in the sum of £25 for each such refusal, or \$50 in all." That is the amendment. The question is, That the words of the original motion, down to and including the words "the House accepts," shall stand. Mr. FISHER .- That is, that the original motion shall be so dealt with in anticipation of the House voting on my amendment. Mr. DEPUTY - SPEAKER .- Yes; or any other amendment that might be put. The rule is that the House shall not be tied in moving further amendments. Mr. FISHER. - Then, I must say, these tactics are very talented. Mr. J. ALLEN (Bruce) .- I wish to say a word or two to the amendment. The amendment that has been moved by the member for Wellington City (Mr. Fisher) has not been put before the House on exactly the right lines. I quite agree with the Premier that in this instance, and in all instances where a breach of privilege has been committed, and so declared, the next thing to do is to call the person who has committed the breach of privilege to the bar of the House. The Standing Orders are absolutely clear on the matter. Like several of the previous speakers, I say there can be no hesitation in anybody's mind that the position is that the person accused ought to be called to the bar of the House. The Premier is just as much in fault as the member for Wellington City (Mr. Fisher). The Premier proposes to pass judgment - that is, to pass a motion - without hearing what the accused has to say. It is true that we have had a letter ; but that is not the proper method of a person accused of a breach of privilege being examined by the House. The proper course is for the person accused to be brought to the bar of the House to be heard, and to be questioned, if necessary. Now, the amendment moved by the honourable member for Wellington City (Mr. Fisher) proposes to subject Mr. Cohen to a fine; and that may be quite right, and later on I may be quite in accord with the honourable member for Wellington City (Mr. Fisher), but at present I think it is premature. I think before we have Mr. Cohen or the publisher of the Dunedin Star, or both of them, dealt with, they ought to be brought to the bar of the House, in order that we may hear what they have to say before we proceed to pass sentence. I, therefore, do not feel that I can vote for Mr. Fisher's amendment at the present stage, because a further opportunity should be given to the accused persons. An Hon. MEMBER .- You are falling in every time. Mr. J. ALLEN .- I am not falling in. I am not going to vote for Mr. Fisher's amendment at the present stage, but shall take the opportunity it seems to me will be given us, when the Speaker puts the question, or part of the resolution moved by the Premier, to move »

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further amendment then, or to vote against the original motion. The Minister of Mines Atkinson has given notice that he is going to move an Bollard amendment. He has not told us what it is. Collins The secret, and silent, and surreptitious way Ell in which this amendment is brought down to Fraser, W. the House may be satisfactory to the Minister Hardy of Mines. I can see no object in being silent Haselden or secret over is. He might just as well have told us at once what it is. We are to assume that a great luminary is about to bring down a wonderful amendment to the House, to do every- move that the words "as satisfactory " be thing that is right. That is the usual way with struck out. the Premier, but there is nothing

in it. I shall not vote for this proposed amendment, although I admit the principle, because I think the understand the position, Sir. It appears to me accused person ought first to be brought to the that if we carry the honourable gentleman's bar of the House. When the other question amendment we shall be in the same position as comes to be put, I shall reserve my right to de- we were before. If we leave the rest of the termine whether I think it is satisfactory or words in to the end of the motion, it will still not. If it is unsatisfactory we shall then have mean that we are going no further in the an opportunity of voting against it ; but if the matter. If that is to be the result of the caucus that has lately been held, I do not Premier thinks fit to bring down a resolution more in accord with what he ought to have done, think those who are in favour of upholding as the gentleman who is supposed to lead this the honour of the House have gained anything. House and look after its privileges, then I shall They have given the Premier what he wants. support it. I suppose the Premier, having put It simply means that we are going to let the up his colleague to make this amendment, is pre- offender go after telling him that his explana- pared to admit that he made a mistake origin- tion is not satisfactory. ally. I am glad that is so. Perhaps it is the pressure of the caucus that has led to the scien- tific adjustment that was previously spoken of give us any further explanation, we have only by the member for Auckland City, or some other to try and drag it out of him. It is usual when a Minister moves an amendment to tell adjustment which the caucus has been able to bring about. I can only hope that the adjust- us what the effect of it will be, and members ment forced on the Premier by the caucus is a ought not to be asked to vote upon a question satisfactory one. At any rate we shall hear it until they know exactly what the effect of it is presently, and we shall then be able to judge going to be. I believe the Minister intends to whether it is a satisfactory one or whether we do well, but he should inform the House what shall have to adjust it still further. he intends to do. Mr. FISHER .- Sir,- Mr. DEPUTY-SPEAKER .- The honourable member has spoken. Mr. Allen had not spoken going to say that in connection with this matter since the amendment. we seem to be getting into a somewhat awk- Mr. FISHER .- When the Premier submitted ward and perhaps difficult position. Sir, it is the fresh amendment. quite evident from the amendment that has Mr. DEPUTY - SPEAKER. - There is no been moved that the Premier has discovered, fresh amendment before the Chair. There can perhaps from the opinions expressed during the be only one amendment before the Chair. afternoon-perhaps from the opinions expressed Mr. FISHER .- Well, I will not be cut out. at the informal caucus that we are given to The House divided on the question, " That understand was held this afternoon-that a all the words down to the word "accepts" stand majority of the members are not favourable to part of the question." the motion he proposed in the early part of the day. Consequently he had, so to speak, climbed AYES, 42. down by arranging with his colleague, the Allen, E. G. Hogg O'Meara Minister of Justice, to move an amendment, Allen, J. Hornsby Palmer and with that object an amendment has been Arnold Houston Parata put from the Chair that all the words down to Barclay Kaihau Seddon and including the word "accepts" in the mo- Bennet Steward Laurensen tion should be retained. That amendment has Buddo Lawry Symes been carried. It will now probably be followed Carroll Thompson, R. Massey up by another motion to strike out the words Thomson, J. W. Colvin McGowan after "accepts ' with the view of inserting other Duncan Mckenzie, R. Ward words. But our difficulty is this: we do not Field McLachlan Wilford know what the other words are to be, and I Flatman Millar Witheford. think we ought to know. Mills Fowlds Tellers. Graham Morrison Carncross Hall Stevens. Napier but still it may be carried too far. However, Hall-Jones NOES, 18. Pirani Herries Rhodes Lang Lethbridge Tanner. McNab Tellers. Meredith Fisher Monk Hutcheson. Majority for, 24. Amendment negatived, and words retained. Mr. McGOWAN (Minister of Mines) .- I now Mr. HERRIES (Bay of Plenty) .- I do not An Hon. MEMBER .-- It will be all right. Mr. HERRIES .- If the Minister will not Mr. MASSEY (Franklin). - When 7.30. the adjournment took place I was Sir J. G. WARD .- Patience is a virtue. Mr. MASSEY .- Yes, patience is a virtue,

now intended to propose an amendment inflicting a small fine upon the Dunedin Evening Star for the breach of privilege that has been committed. I do not know whether that is so or not, but, at any rate, I have been informed that is the case. So far as I am personally concerned, I wish to say that, although I have not seen the amendment, such a course would probably satisfy me, because what I have contended for all along is that we should give the public to understand that breaches of privilege, whether committed by members of this House or by people outside, will be punished. It is not the amount of fine I contend for, but the affirmation of a principle. However, if there is one thing more than another that would induce me to advocate the imposition of a heavy fine, it was the stupid letter which we heard read this morning, and which, though it was supposed to come from the gentleman immediately concerned-Mr. Cohen-I do not believe Mr. Cohen ever wrote a word of. However, I think we have wasted sufficient time over this matter, and we ought now to dispose of it as soon as possible, and get on to more important business. Mr. PIRANI (Palmerston) .- Sir, I understand the motion before us has been moved by the Minister of Justice. I would like to know whether an amendment that I wish to give notice of now would take precedence of any further amendment? Mr. DEPUTY-SPEAKER .- As soon as this amendment is disposed of, whoever catches my eye next will have the right to move whatever he pleases. Mr. PIRANI (Palmerston) .- I will not keep the House long, but I want to refer to one point in reference to the words "is satisfactory." I am very glad indeed that the Ministry, by the moving of this motion, do not think the explanation satisfactory. We have had the most positive assurance from the Chairman of the Committee this afternoon that he did not give the evidence to the reporter of the Dunedin Star. We have had the assurance of the representative of the Dunedin Star that he did not get the evidence from the Clerk of the Committee or from the shorthand reporter, but that he got it in an honourable way. Well, as I have said before, there is only one way he could have got it that could come within that category, and that is from the Chairman of the Committee. He has not got it from the Chairman of the Committee, he has not got it from the Clerk of the Committee, and he has not got it from the shorthand reporter; and every member of the Committee except the Premier-who could not have given it, because he was not at any meeting-has also denied giving it; and therefore the House is asked to strike out the words "that the explanation is satisfactory," because they do not, I suppose, believe that the evidence was obtained in an honourable way. Now, those who made such a fuss about the honour of the Press, and about maintaining a certain position in regard to a breach of privilege like this as a matter of honour, Mr. Massey the representative of the Dunedin Star. To tell us in a letter and tell us in evidence that he got this information in an honourable way when he did not get it from the Chairman of the Committee, or any official, or any member of the Committee, certainly places him in a most peculiar position; and I should not like to be a representative of the Press, if my honour was at stake, when I was placed in a position like that which exists at the present time. I say this, that if any man who has denied giving this information to the Press has given it, then the person who received the information is not, by any Press precedent, nor by any code of honour, prevented from disclosing the source of his information, if that source be one of those who have denied giving it. I could quite understand a man refusing to give information if those who had given the information had stated so; but I cannot understand the position as it stands now; and, therefore, I quite concur with the resolution, or amendment, moved by the Ministry that the explanation cannot be accepted as satisfactory. The Premier will remember that this morning I told him what he was going to do this afternoon. The Premier will remember that when he was speaking somebody suggested an amendment, and I pointed out that the Premier would get one of his colleagues to move an amendment to his own motion. That was scouted by the Government supporters; they seemed to think that my statement was a very good joke. I do not see where the joke comes in now. Mr. SEDDON .- I do. Mr. PIRANI .- Yes, you do; because you were at the caucus, and I was not. Mr. LAWRY .- You knew all about it. Mr. PIRANI .- I am very glad to get confirmation from the honourable member for Parnell, because he

was not here this after- noon when the Premier declared my statement to have not a tittle of truth in it. Now, the member for Parnell says I knew all about it. Now, what an extraordinary thing to get confirmation from such a source. I would advise those honourable members who were at the caucus not to talk so freely about it. But I maintain that if the words that are moved to be struck out be struck out, and if an addition is made to the motion defining the penalty that is to be inflicted, then the whole of the arguments on this side of the House will have been met, with the exception of the fact that the offender has not been called to the bar of the House before being punished for the offence. So that, therefore, when the Premier tells the House that our arguments were intended to give him a slap in the face, he admits that the arguments that were used on this side of the House were correct. Personally, I care not whether the motion comes from the Premier himself or from the Ministerial benches. & long as it is a correct motion, and I do not think there is any tendency on the part of any member on this side of the House to deal with it as a personal matter. If the Premier likes he can make it as personal as he pleases, but

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ber on this side of the House to do so ; our sole slightest. I saw there was something under- intention was to uphold the privileges of this lying this, and I say still there is something underlying it. An endeavour has been made House. It is a pity that the Standing Orders, not only in regard to this matter, but with by some honourable members to fasten the regard to many other grievances of members of giving of this evidence upon the member for Waitemata. the House, have not been amended. There was last year a report from the Standing Orders Committee, but nothing has been done. I think it is fair to show to the Premier the members on that side of the House, how they go round a member and shield him, but on this necessity for taking proper steps to revise the whole Standing Orders while the matter is side of the House they take a broad view of fresh in the minds of honourable members. If these questions. We get nothing from that this thing is passed over and nothing is done, side at all. They watch every opportunity. Breach of faith ! They think nothing of vary- the same grievances probably will crop up again, ing from every tenet of what should be and the House will be just as far from a proper observed in this Chamber. They would violate settlement of the matter as it has been during the whole thing and laugh over it, and think it the last two sessions. Mr. SEDDON (Premier) .- It is very amusing a smart thing. There are half a dozen mem- to see when gentlemen are foiled. bers on this side of the House who have An Hon. MEMBER .- Who is foiled ? conscientious objections on every question Mr. SEDDON .- You are foiled ; and it is under the sun, and you find them drawn into the net thrown by those honourable members amusing to see how easily they accommodate themselves to the circumstances of the posi- opposite. My experience is that there is no tion. All those gentlemen voted for a penalty conscience in honourable members opposite, of \$50- and my opinion is also that if there was a An Hon. MEMBER .- No, we did not. conscience there I would not like to be its Mr. SEDDON .- I was going on to say, except keeper. However, Sir, I am digressing. My Mr. J. Allen, Mr. Thomson, and Mr. Massey. friends opposite are not prepared to admit, as Kindly allow me to finish my sentences. And far as they are concerned, that any of those the member for Palmerston, Mr. Pirani, saw an members of the Committee connected with opportunity of giving Mr. Allen a slap in the them might have accidentally been the cause face. He saw, of course, that Mr. Allen was of this information leaking out-they would trying to assume to himself the position of scorn if I were to make such a suggestion : leader in the absence of the honourable member it would be like putting a stick in a hornet's for Hawke's Bay, and Mr. Pirani wished to nest ; but who is it at whom the petition was show that he could not fittingly fill the position. aimed ? The gentleman at whom the petition He is not much in figure, although in form he was aimed is named Cook. Who is Mr. Cook's supporter at the present time? The member is almost beyond my proportions. He stood on that side, and he said, " You must come this for Wakatipu and the member for Bruce. way ; if you don't, the member for Wellington City will say we have been misleading him. Don't stop : go this way." And there were only three members of the

Opposition who had mantle of protection around Mr. Cook ; their the courage of their convictions. Even the sympathies are with him. The point has been honourable member for Wakatipu had to follow raised as to who gave this evidence, and they Mr. Pirani. said the evidence given up to this time was Mr. FRASER. - No, I did not. unfavourable to Mr. Cook, and, therefore, it Mr. SEDDON. - And all this, if you please. was impossible that Mr. Cook should give the when the House is asserting its dignity in evidence to the Press. respect to a breach of privilege. Dignity ! Where does the dignity come in? Where do the privileges of this House come in when you noon. Who is Mr. Cook? Have we not had find members endeavouring to use an occasion that name before the public in this colony of this kind for party purposes ? I never had for some time past ? What is his work ? With what has he been connected ? Can members the least doubt about it myself. Even the honourable member for Wellington listened opposite say in connection with some of the positions that he held that they have been with astonishment to the remarks of the honourable member for Bruce, and he used satisfactory ? I say it cannot be said. these words : "You are surely falling in, and the further you go the worse you get." Why, but will the member for Bruce tell me that he Sir, I was just looking at the honourable mem- ber for Wellington, and I said to myself, " So does not know him ? at last it dawns upon you what has been going on." here. An Hon. MEMBER .- He meant the opposite. read of him ? Was he ever in evidence at Mr. SEDDON .- He meant nothing of the Dunedin ? Was he the receiver and liquidator sort ; and from start to finish those who are of the Guthrie and Larnach Companies ? Was away are the best judges of what is going on. VOL. OXVIII .- 25 Hon. MEMBERS .- Oh ! Mr. SEDDON .- The moment you touch the Mr. J. ALLEN. - No. Mr. W. FRASER. - Absolutely incorrect. Mr. SEDDON .- I say, Yes ; they wrapped the Mr. W. FRASER. - I did not say so. Mr. SEDDON .- That was said this after- Mr. W. FRASER .- I do not know the man. Mr. SEDDON .- You may not know him ; Mr. J. ALLEN .- Never, until I saw him up Mr. SEDDON .- Did you ever hear of him, or

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ter ? Is he the same Mr. Cook? Is it the same Mr. Cook who has been before the Court asking for exorbitant sums of money in con- nection with those liquidations ? Is it the same Mr. Cook ? Is it the gentleman that wanted the whole of the money that he claimed, and that without having finished his work, and his counsel- Mr. J. ALLEN .- I rise to a point of order. I think, Sir, we are discussing the question of privilege, and not Mr. Cook. I must ask you to rule on the question of order. Mr. DEPUTY-SPEAKER .- It is very diffi- cult to draw the line of demarcation as to what is in order and what is not. So far, I do not think the Premier has gone outside. It is the publication of Mr. Cook's evidence that is in- volved in this question. Mr. FISHER .- And the Guthrie companies ? I will touch on the Guthrie companies. Mr. SEDDON .- I told the House a few minutes ago that the gentleman who wanted to throw the mantle over Mr. Cook was the member for Bruce. Who was it just now rose when the name of Mr. Cook was mentioned, and raised the point of order ? You may throw an insinuation if you like on a member of the Goldfields Committee-the insinuation may be cast upon every member of that Committee - but I was going to bring in the connection that Mr. Cook has with this evidence. There is evidence that he had the whole of this type-written evi- dence for three days in his possession-some of it for over a fortnight, and because some of it is not favourable to Mr. Cook they say, "Oh, Mr. Cook would never give it. Mr. Cook would be no party to that." But let me put another phase on it. Suppose Mr. Cook, who has been in this respect, as far as this evidence is concerned, con- nected with floating and promoting dredging claims of questionable value. I say, Sir, that he has a lot to answer for. It is not the first time in my life that I have known the least unlikely one to be the party who is chiefly implicated in a transaction of this sort. therefore say that we have no right-that I am as much justified in what I am now saying as to say that any member of the House gave the evidence to Mr. Cohen. We have no proof positive, except that for days that evidence was available, that for days it was in the hands of certain gentlemen, and that then we find it published in the Press. I say it is ungentle- manly and dishonourable that, because it has appeared in the

Press, any particular gentleman should be fixed upon by honourable members as having given out the evidence. It is against all my training and teaching as an Englishman. Mr. W. FRASER .- Why are you doing it ? Mr. SEDDON .- Why am I doing it? I am only giving you the other side of the question, and I am justified in giving you this, and it is just as likely to have come from that source as from the source that you wish to make out it came from. Mr. W. FRASER .- I did not make out anything. Mr. Seddon am not deaf ; I am not blind, and I understand what is going on. I have always stood by the members of the House and by the honour of the House, and I say it is improper and wrong for individuals-and it is not the first time-to create an inference. It only requires this to be done in the House and the streets to start a rumour that may be the ruin of individuals. I say this has been going on. What has been done since the Committee has deliberated ? A deliberate attempt has been made to fasten the giving of this evidence, in my opinion, on what I believe to be an innocent man. The whole of this question of privilege-the whole of this punishment-is done for the purpose. And we have just heard the member for Palmerston- and he is a master of the art-say the Star reporter has acted dishonourably. Mr. PIRANI .- I said nothing of the sort : there is not a tittle of truth in your statement. Mr. SEDDON .- I am wrong in saying the honourable gentleman said it : he led it to be inferred. I am a man that will stand up and say a thing rather than infer it. It is more manly and British and in accordance with our traditions to do that than play the part of -shall I say-a political sneak. I say that was the inference sought to be created in the minds of members, the inference that was to go through the Press to belittle, if they could, the reporter of the Star. No inference of the kind should for a moment obtain, because he has stated, " the Clerk cannot defend himself, and if I let the Clerk suffer I should not be doing what is honourable and straight." He therefore exonerated the Clerk ; but, because he exonerated the Clerk, and the Chairman says " I did not do it," the honourable gentleman wants the House to infer who was the other who did it. He named the two this afternoon. I know what the honourable member was driving at. He wants to place the reporter of the Star in such a position that he must on his own account act a dishonourable part by giving the name of the party who gave the information. That is exactly what the honourable member was doing. It requires some one who knows the honourable member's ways to circumvent that. He wound up by saying : " We on this side have been striving all along for the position the Government has taken ; we insisted upon a penalty, and we shall vote for a penalty ; we presume there is to be a penalty, and shall vote for it." That 8.0. is, of course, the assumption. Mr. PIRANI .- I know it. Mr. SEDDON .- The honourable member says he knows it. I challenged him this afternoon, and I challenge him now, to tell the House who gave the type-written evidence to the Star reporter, or what I said at the caucus ... I have so much confidence in the gentlemen who were present at the caucus that I do not believe the statement of the honourable member for Palmerston. He has referred to thing- that never happened at the caucus, and when doing that he was only on a fishing expedition :-

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tion. By making these unfounded assertions he published his own exposure. he does himself no good, but the reverse. My own opinion is that the honourable gentleman does not know what was done by the Sir. The honourable member had to withdraw from the caucus. I will prove this. We have had a draw the same allegation a short time ago. number of members getting up in their places The member for Wellington City (Mr. Atkinson) and asking, "What is coming after this ?" (son) is very anxious, if he possibly can, to They seem to be astounded, and did not know fasten on to me statements, so that he can get where they were. If the member for Palmerston had known what had happened they would have been able to tell me that I did nothing of the sort. all have known it, and there would have been The honourable member may like it to appear no necessity for them to get up and ask, in Hansard that he said this and I did not "What is coming next? Will the Minister object to it. The next thing he would say is of Mines tell us what he is going to move that I admitted it because I was silent on the next ? " I say, Sir, if



there had been a breach matter. But, Sir, I have been longer in Parlia- of confidence on the part of the members that ment than the honourable member, and I know attended the caucus, there would not have what he is driving at. All I say as to the been any necessity for those honourable gentle- publication of the transactions with respect to men to put such questions. The honourable the formation of these companies is this : The member for Palmerston has at times been manner in which they have been promoted is guessing, and at other times gassing. Now, in shown by the fact that some of the companies respect to this matter, I desire to say that the did not exist at all; and, if you take their words " as satisfactory " were considered to be own officers, these officers are given shares that they do not know anything about ; and superfluous. The House is not called upon to put them in. I have been looking up pre- the man's own partner says, "I do not know cedents, and find that the House does not go anything about it, and I will not pay the lia- bilities charged against me, and I shall force on the length that we went in the original motion. We simply say that we accept the motion with- a dissolution of partnership rather than have out the words "as satisfactory." It follows my name mixed up with transactions of such a that if we did not consider it as satisfactory, we nature "-I say all that is public property, and would not accept it. I cannot see that it has it was only to be expected that any paper would the bearing placed upon it by the honourable deem it its duty to expose such a state of things. member for Palmerston. The plain English of I go further than that, and I will undertake to say that, if you get the Bank of New Zealand's the case is this : A breach of privilege was com- opinion of Mr. Cook, and get the opinion of the mitted a fortnight ago. It has been before a Committee of the House, and it has been the unfortunate sufferers in the Guthrie and Lar- subject-matter of comment by the Press all nach's business, and of those interested in other over the colony for some time. Notwith- companies for which he has acted as liquidator, and if you can then appreciate his dealings and standing this, we are called upon at the last moment to hang somebody. I consider, Sir, conduct, it is more than other people can do. that the dignity of the House has been up- And, Sir, because some one has taken the held, and that the privileges of Parliament trouble and the risk of exposing transactions of a are sufficiently protected by the motion as peculiar character in regard to dredging claims submitted. Heat and feeling have been intro- with which Mr. Cook has been connected, is duced into the matter, and an attempt has it to be said they shall be pilloried and brought been made to make capital against the Govern- before the House ? To members opposite I say, Let them protect people of that character, who ment and myself. This no one can doubt, nor take part in transactions of that kind, if they can I for one moment have any doubt as to the attitude of the honourable gentlemen oppo- choose; but we on this side of the House aro not prepared to have ourselves identified with site. Their action has been deliberately taken. I am firmly convinced, if I had moved that a anything of the kind, or with people who lay fine of \$50,000 be imposed, with two or three themselves open to be assailed. I am satis- fied that if everybody had their dues, and if exceptions on that side of the House, they would have opposed it, but because I have moved as I one-half of what is alleged was proved, then it have done we have had the House divided by is not an erring paper that would be before the those honourable members. If, therefore, there House ; it would be somebody else that would has been-as I have no hesitation in saying be before the House. If you have no wish there has-a demand from the public of this or desire to protect them, and it is proved to you, as it must be if you have read the evi- colony for this exposure of Mr. Cook and his doings-and I am sorry to say he is not alone, dence- for the public have been fleeced by other "wild- cat " company promoters- yet. Mr. ATKINSON .- He exposed himself, you and I have also read the evidence of the Privi- said just now. Mr. SEDDON .- So he did. He gave his leges Committee. evidence, and the actions he took with respect to these promotions and with respect to these than that. I have a personal knowledge. I flotations. I do not care who reads the evi- dence- come from the West Coast, where one of these Mr. ATKINSON .- You said ten minutes ago Mr. SEDDON .- I did nothing of the kind, An Hon. MEMBER .- You have not read it Mr. SEDDON .- I say I have read some

of it, An Hon. MEMBER .- That is not the evidence. Mr. SEDDON .- I can tell you what is more  
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what has been going on ; and I am going to tell the House that some interested parties on the West Coast presented Mr. Cook with a gold brick. My opinion is that some of them, before they have done, will feel inclined to throw bricks at Mr. Cook, for the whole mining industry is injured by the course taken by him. Mr. PIRANI (Palmerston) .- I wish to make a personal explanation. The Premier, with that disregard for fact for which he is so noted, described what he called the scene that had taken place between myself and the members of the Opposition in reference to the vote that was last taken. All I say in regard to the Premier's statement is this: There is not a tittle of truth in his statements. Mr. J. ALLEN (Bruce) .- Sir, we have been listening to-1 do not know what to call it exactly-I do not know that there is any word that would exactly describe the kind of talk we have just been having from the Right Hon. the Premier, from the leader of this House and the leader of the New Zealand Parliament. I have always looked upon this Legislative Assembly as one we have a right to be proud to sit in. We have thought we had a leader who was a credit to the colony, but after this exhibition to-night I ask his own followers if they are satisfied with the kind of lead they have had during the course of this debate upon this question of privilege. An Hon. MEMBER .- Certainly. Mr. J. ALLEN .- Some one says " Certainly." It is the only solitary voice. Mr. SEDDON .- You voted with us yourself. Mr. J. ALLEN .- Exactly. That, Sir, is why the Premier is not satisfied-because I did go with his party just now; and I shall have something to say about that presently. Did any one ever listen to such a tirade of abuse as came from the Premier, and utterly unprovoked ? He abused me, he abused the honourable member for Wakatipu, he abused the honourable member for Wellington City (Mr. Atkinson), and the honourable member for Franklin, and without provocation. Fortunately, Sir, our skins are thick and we can bear it. It will have no effect whatever upon us. But as to the personal abuse, I do not care two straws about that. I do care that this House should have been brought down to the low standard to which the Premier has brought it during this debate, and in the action he first took in regard to this question of privilege. He has admitted by his action since that he was wrong; and he has had to put up his colleague to move an amendment to the very resolution he himself proposed. That is an admission to the House that he was wrong in the first instance. We know perfectly well that, in some instances at any rate, when he has had to deal with cases of this sort before he has dealt with them as a leader of the House ought to deal with them. Sir, he has not done so to-day, and the reason of it is political expediency, and it is nothing else. Now, the Premier has beclouded the whole issue. The issue is not only a breach of the privileges of this House. Mr. Seddon that a gentleman called before a Committee of this House refused to give evidence before that Committee. He refused to answer the question put to him by the Chairman ; and there is a precedent for dealing with cases of that kind. ' The precedent was established by the Premier himself not many years ago, when a gentleman who refused to give evidence to a Committee of the House was punished by a fine of \$500. But to day all this is to be passed lightly by, and the gentleman, who does exactly the same thing in principle-I do not say it is the same thing in degree-is allowed to go scot-free : and that. not in accordance with the wish of the Premier, but because of the pressure brought upon him to do what he has been attempting to do. Now, the Premier said this side have made this a party question. We have no party on this side, and therefore we could not make it a party question. And the other answer to the accusation is this: that when it came to a decision upon the matter three of us, at any rate, walked into the lobby with the Premier. Honourable members know what his move is. There may be some members who have not been so long in Parliament as some of us, who do not see what the move is. I am going to tell them. An Hon. MEMBER .- It is the same old game. Mr. J. ALLEN .- " It is the same old game." Sir, the party question has been raised by the Right Hon. the Premier himself, and by nobody else at all. As evidence of it take the caucus at one o'clock to-day-the only caucus, I believe, that has been called this session. However important the legislation has been this

sessier. it has not been necessary in the eyes of the Premier to call a caucus to consider it, and it rests with the honourable gentleman to call a caucus of his party upon the question of the privileges of the House—a question that needed only that the Premier should come down with a resolution to do what he ought to have done. However, it is made the object of calling the party together in caucus. Why? The reason of it all is this : The Premier saw that an amendment was moved by the member for Wellington City (Mr. Fisher), and he realised, as he too well can realise, what was happening in the House. He instinctively knew, within a few minutes of the time the member for Wellington City moved his amendment, that the amendment would be carried against him if he did not call the party together. He called them together. There are many ways of exercising the party whip, and it was done partly in the caucus this afternoon at one o'clock. All the proceedings since have been under the party whip, and nothing else. This is the method of exercising the party whip: Round them all up by abusing the other side, by attempting to show the Opposition solid, although they do not want to be consolidated, and will not vote solid. It does not matter whether they vote rightly or wrongly, he rounds up the whole of his followers to vote as he wants them to vote. Sir, that is the method by which the party have been called together on this occasion, and it is a method that has been exercised many and many a time before, some-

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times by soft sophistry, sometimes by harsh or does not is a matter of indifference to me at and unkind words said to us on this side of the present, at any rate. Now, Sir, the Right Hon. House. Yes, there are many ways of calling the Premier accused this side of the House of a the party together, but the whip is there all breach of faith and a violation of conditions. the same, and the scourge of it comes and What breach of faith, may I ask ? What affects some. I do not know whether it will violation of conditions ? I do not know affect the lot to-day, but what matters that to whether we have been put upon our faith. us on this side ? We have no party. We have I do not know whether the right honourable no leader. We have been acting in this matter gentleman meant that some members on this as we individually thought it was right to act, side of the House, who are members of the and we have been doing it well, as the honour- Goldfields and Mines Committee, have com- able member for Franklin says. The Premier mitted a breach of faith before the Committee in giving evidence. I do not know of any knows it, and that is the reason he has put his party under the lash. breach of faith on this side of the House, and Mr. SEDDON .- I do not want to have a I can assure the Premier that he will never false sense of security. have to deal with such a breach of faith, be- Mr. J. ALLEN -" A false sense of security ! " cause we are all honourable men and do not As if his whole political life depended on his commit breaches of faith ; we leave that to the carrying a motion with regard to privilege. Premier. What violation has there been of He thinks that is a matter about which he conditions, and what are the conditions im- should have security. What nonsense! The posed on us? The only conditions we have or idea of the leader of the House having a sense could have imposed upon us are the conditions of security on a question of privilege—a ques- imposed by our own Standing Orders and by tion on which he ought to be leading the House you, Sir, and we have not violated any con- and protecting the privileges of the House ! ditions of the Standing Orders. Somebody else Sir, he is not the man he was, and honourable has, and that is the trouble we are dealing with members see it and know it. And the country now. But we cannot get that rectified, and is beginning to realise that he is not the man why? Because the Premier will not act as he he was, and that he cannot lead the House as has acted in previous cases, and do what is the he used to. It is recognised too that he has right and honourable thing in this case. Now, on his right side one who is too many for him, Sir, I come to a portion of the Premier's speech which I think, on second thoughts, he will although he is smaller than the Premier. He sits there and whispers a word into his ear, and regret, and I feel sure the House will regret- the word he whispered to-day was, " We must that part of his speech in which, no

doubt, with the object of defending a supporter, he did what not fine the Evening Star. That paper is my strong supporter. I must not have that paper in he so often does-he tried to blacken somebody any way injured by any fine or vote of this House, else's character. Now, Sir, I do not know not even though I have to call all the battalions whether Mr. Cook is guilty or not guilty of to my aid." And the battalions were called to what is urged against him in regard to mining his aid, and the party whip was made to play, companies in Dunedin. I may say this as a and, Sir, they will now vote as their leader member of the Committee without committing a breach of the privileges of the Committee : desires them to vote. Now, the Premier told us that the evidence that was adduced on the first he never misjudged the case. Then, why did day was not the whole of the evidence, and that he shift his ground ? Mr. ATKINSON .- Scientific adjustment. anybody that formed an opinion on the evi- Mr. J. ALLEN .- You may call it scientific dence of the first two days would undoubtedly form an incorrect opinion. Now, the Premier adjustment if you like, but I call it mis- wished to lead the House to believe that he judgment. An Hon. MEMBER .- Climbing down. formed an opinion on the first two days' evi- Mr. J. ALLEN .- Yes; that is another way dence. of putting it. If he did not misjudge the case, why did he not see through the original resolu- tion ? But he misjudged the case, and there- that ; and I ask honourable members whether, fore he climbed down and altered the resolution, in speaking in the first part of his speech, deal- and put up his colleague to move another reso- ing with Mr. Cook, they did not think the Premier had read Mr. Cook's evidence and Mr. lution, about which the House is being care- Easton's evidence of the first two days. I did ; fully kept in the dark, for what reason I do I think undoubtedly he led us to believe that. not know. Mr. SEDDON .- Ask Mr. Pirani. But now, Sir, we know from his own confession Mr. J. ALLEN .- Now, the right honourable that he has never even read it at all, and, when he had to confess what the evidence was he had gentleman wishes me to ask Mr. Pirani. I am read, it was not this evidence in the Evening not going to ask Mr. Pirani. Mr. Pirani has Star at all, but the evidence that was adduced told us that he was not there. Mr. SEDDON .-- He says he knows. before the Privileges Committee. And upon that evidence, which has no more to do with Mr. J. ALLEN .-- I have no doubt he is cor- Mr. Cook and his mining company than this bit rect if he says so. I am not ready to say, as of paper, the Premier has made a statement the Premier says, that there is not a tittle of about Mr. Cook, and in order to try and connect truth in what he says, because I do not know that that is parliamentary. Whether he does us with the black sheep he says, "The mem- Mr. SEDDON .- No. Mr. J. ALLEN .- He wished us to believe

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are protecting Mr. Cook." Does any member of this House think we are protecting Mr. Cook ? because they will find themselves mistaken if they do. I am quite sure neither the member for Wakatipu nor the member for Bruce will protect Mr. Cook or anybody else, or even the Premier if he does wrong. But upon this evidence which was adduced before the Privileges Committee the Premier said Mr. Cook has been floating companies in Dun- edin wrongfully, and defrauding people, and so on. Sir, during the course of this speech he made this remark : "I am more honourable than the member for Palmerston : I do not say things behind a person's back, and I do not play the part of a political sneak." Well, I do not know what a political sneak is. The Premier was referring to this business, and I ask you, Sir, and members of the House, to recollect what the Premier was saying about Mr. Cook. He was leading up gradually, degree by degree, to only one conclusion, and that was that Mr. Cook was the man who had given this evidence to the Evening Star. That was what he led up to. An Hon. MEMBER .- That he could have done so, if he liked. Mr. J. ALLEN .- You stated a good deal more than that. You led up and up and up to it by insinuation, and nobody who knows what in- situation is could have come to any other con- clusion than that you insinuated that Mr. Cook gave the evidence. And then the Hon. the Pre- mier says that he does not make insinuations, that he does not talk behind people's backs, and that he is not a political sneak. If it is not to be a political sneak to make an insinuation of that kind respecting a man who is not here to

defend himself, and without even having read the evidence, then I do not know what "a political sneak " is. I am not defending Mr. Cook. An Hon. MEMBER .- That is just what you are doing. Mr. J. ALLEN .- I am defending him against the insinuation that he gave this evidence. I have read his evidence. He has given his evidence on oath before the Privileges Committee. I believe a man on his oath. It is not for me to say that he is telling an untruth without having any evidence that he is untruthful ; and I understand that when before the Privileges Committee on oath he denied giving this evidence to the Evening Star. The Premier accepts that as of no value, and, in the absence of the man, insinuates that he gave the evidence to the paper. I say it is bemeaning the position of Premier, bemeaning our Parliament, that the man who is at the head of it should make an insinuation of that kind against any man unless he has something to prove that what he says is correct. Mr. Cook may be all that the Premier says he is, but the Premier has no right to make these accusations, and members know that perfectly well. It is wrong that the House should sit quietly and hear either Mr. Cook or members accused of such things. I have no sympathy with insinuations Mr. J. Allen at least here to defend themselves, and can fight it out, but Mr. Cook is not. And, though I do not know him, I say the insinuations ought not to have been made against him that have been made by the Premier this evening. Then, we are told that the honourable member for Wakatipu and the members round about are protecting this man. An Hon. MEMBER .- That touches them " on the raw." Mr. J. ALLEN .- The honourable member for Caversham is entirely wrong. It does not touch either myself or the honourable member for Wakatipu " on the raw." The man who gets touched "on the raw " is the man who does wrong, not the men who are innocent ; and we are innocent, for we have no connection with Mr. Cook in any way whatever. I do not know anything about him, except from the evidence which has been produced before the Committee, and in regard to that there is a great deal more to be said on the other side than appears to the public at present. But the Premier has prejudged the case, and has prejudged it to such an extent that he has said to the country that Mr. Cook has been defrauding the people and working swindles in Dunedin, and he has done that without having the evidence before him. As I say, he has prejudged the matter : and if he has prejudged it wrongly, and it should be proved that what he has stated with regard to Mr. Cook is wrong, what a gross injustice he has done to the man. An Hon. MEMBER .- These charges have been published in the Press months ago. Mr. J. ALLEN .- Exactly ; that is my statement ; but part of the evidence was only in the public Press: that is the gravamen of the matter; and the evidence afterwards taken in Committee modifies to a very large extent the evidence which was taken during the first two days. There was not any cross-examination in the first two days. Afterwards these matters were inquired into by questions and cross-questions, and a great deal more light was thrown upon the thing, so far as my judgment goes. But, whether he is guilty or is not guilty, that is not the question of the moment. I say it is unfair to any man whose case is being examined that the Premier should accuse him of being a scamp and a thief- for that is what it is-before the Committee has reported on the case : it is unfair and unmanly to have done so, and I hope the House will resent the action on the part of the Premier. The Premier said this information was given in order to smooth over the Press. I think the desire to smooth over the Press comes from the other side. Is the Premier afraid of the Press? I would like to ask honourable members if the Premier fears the Press? If ever I have come across a man who fears the Press-and who has given evidence of it to-day-it is the Premier. He would sacrifice the privileges of this House in order to keep sweet with the Press. The members on this side of the House have desired to do what is right to the Press and to this House. The

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conclusion as to the case being heard by the may keep sweet with the Press. I will say this to the Press : that I hope they will resent Committee, by considering only the evidence brought in chief, and not having heard the this action of the Premier, and will say to the Premier that they are able to look after them-

cross-examination. And, Sir, the cross-examiners, and do not want his protection. But it is a nation in this case was of great importance. I think the Chairman and every member of it has come to this: that portions of the Press the Committee will admit that, and that are to be benefited at the expense of other portions. And is not that the case to-day in what was said in the first instance was largely qualified by what was said afterwards. New Zealand—that portions of the Press are unfairly dealt with at the hands of the Premier. There is only one other matter that I wish to refer to, and that is in regard to another reporter and his officers? An Hon. MEMBER.—The Conservative papers mark of the Premier. The Premier threw the pick of the luck, anyhow, across to me and other members on this side of the House, but to me in particular, the charge Mr. J. ALLEN.—Do the Conservative papers get the departmental reports before the House of taking the action I am taking to-day because I had some grudge against the Evening Star gets them? What papers get those reports before the House gets them? Why, the papers newspaper. It is the first time I ever heard of that the Premier wants to smooth over. That it in my life. The Evening Star, as far as I am is one of the ways in which the Premier wishes concerned in politics, has always dealt fairly to smooth over the Press. Some papers receive with me, and it is one of those papers that those departmental reports before they are laid takes both sides. It takes the side of Sir on the table. It is well known that the Pre-Joseph G. Ward occasionally, and it very often tries wishes to smooth over the Press by such takes the side of the member for Bruce; and means, but also by other means about which I have not the slightest reason to say one word the House does not know as well; but returns against the Evening Star with regard to its would show what those means are. I regret that dealings with myself, politically or otherwise, the colony has to descend to this low grade of It is another of the wild accusations that the political life. It is to such means that the Premier is continually hurling across this Premier descends in order to keep himself on Chamber. It is absolutely without a tittle of the Treasury benches. I regret extremely that truth. On the contrary, I should be only too glad the Premier has shown himself so weak on glad to protect, if I could, the editor and this question. He is not so strong as he used the reporter of the Evening Star newspaper. to be. I hope he will regain that manly independence—But, Sir, I look a little further than my own dependence which led him to do the right political exigency in this case; the Hon. the thing—at any rate, in the Watson case—when Premier cannot. I believe we have a duty there was a breach of privilege similar to this, to perform with regard to our own House and with regard to our privileges, and if the and when the Premier got the House to impose a fine of £500; and in this case it is Premier does not do it he is abrogating his wiped off with nothing at all. A common re-position as leader of the House. I believe he is mark from the Premier is that the Star re-backing-down from his original intention. His porter has been particularly sharp and par-intention to whitewash the editor and reporter of the Evening Star has now been abandoned. ticularly good in getting this evidence, and that he was justified—that is the remark of I admit I do not know what the amendment is. The member for Palmerston may know, but the Premier—that he was justified in the printing of this evidence in the Star because I do not. I hope it will be an amendment that, at any rate, will uphold our privileges altogether it was for the public benefit. An Hon. MEMBER.—He did not. apart from party questions. Here, I say to you, Mr. J. ALLEN.—Yes, words to that effect, Sir, and to the House, that, so far as I am concerned—and I believe I am speaking for any way—that the Star was justified in publishing this on the ground that it was for the other members on this side of the House—there public good that it was published. is not a solitary member who has any party feeling in this matter at all. We have Mr. SEDDON.—No; I said "extenuation." Mr. J. ALLEN.—Well, perhaps I was a little never had an idea of making this a party question in the very slightest degree. We all strong in saying "justified." I will take the honourable member's word. He said there desire to do what is right in the matter, and were extenuating circumstances, because it was we are attempting to do what is right. We good for the colony that the evidence should be are not even all of exactly the same opinion on the matter, as was evidenced by the fact that published. It might have been good for the colony to have this evidence

published, but it is some went into this lobby and some into that on the last division. And there may be, even quite evident to me that the publication of the when we come to the final division, a division of evidence has enabled the honourable member opinion amongst us. There is nobody on this to come to an entirely false conclusion ; and it side whipping up the party, nor is there a desire is also evidence to me that we shall have to con- that it should be whipped up. On the contrary, sider very carefully whether we are to allow we should like to see the House depart alto- newspaper reporters to come to Committee gether from party in this matter ; we are deal- meetings to report a portion of the evidence ing with our privileges, wholly and solely. Let without having the whole of it. I can easily us have one occasion on which we can vote imagine that by publishing a portion of the evi-

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desire to give the Premier a slap in the face ; if we wish to give the Premier a slap in the face we take something which is of a little more im- portance politically than an occasion like this. This is not an occasion for us to be anxious to score off the Premier -- Mr. DEPUTY-SPEAKER .- Time is up. Mr. SEDDON (Premier). - I do not wish it to go unchallenged that I made the statement im- puted to me by the honourable member, that Mr. Cook was a thief. I never made such a statement. Some other member of the House may have done so while I was speaking, but I never did. If I did not make this contradiction now it would go into Hansard, and it would be just as bad, by allowing it to go unchallenged, as if I had said it. I say, and I repeat, that in regard to the Guthrie liquidation exorbitant charges were made, and there was a great sacrifice of property. I repeat, the share- holders, the debenture bolders, and the Bank of New Zealand were great sufferers through him, and I go the length of saying that I look upon Mr. Cook as one of those clerical and commercial leeches that fatten on the general public. Then, as regards the evidence, I have read a portion of the evidence, but not the whole of it ; but I have not come to the con- ' clusion on the evidence alone. I say, having a personal knowledge of what was stated as to the situation of one of these claims, you might as well dredge for gold in the Speaker's chair, and the prospect of paying would be as good if you dredged the floor of this House. I was speaking from a personal knowledge, and not from the evidence altogether. I say, and I repeat, the point I wish to make is this : that Mr. Cook having possession of the evidence for three days, and a portion of it for fourteen days, it was as easy for him to be the medium of the evidence getting to the Press as any other man. He could, had he so wished, have given the evidence to the Dunedin Evening Star, and so could the other gentleman who had possession of the evidence. It is unfair to single out a member of the Committee, or any particular one of those who had the report. All at the present stand alike. You must leave it where it is, and not say that the individual you are blaming did it ; you are blaming one member of the House all the time. When I came back from the Coast I found an attempt being made to fasten it on one man. He denied it. I believe him, and his denial ought to be accepted. Mr. J. ALLEN (Bruce) .- I heard somebody say the word " thief " ; if the honourable gentle- man denies using it, I accept his denial. In regard to what the honourable gentleman stites, leading up to Mr. Cook, what he said in his main speech was more than what he has just stated now. He led up distinctly to the insinuation that Mr. Cook gave the evidence to the Erening Star. Mr. W. FRASER (Wakatipu) .- I merely wish to point out to the House the impropriety of the Premier's remarks when he stated that I and some other members of the Goldfields Com- Mr. J. Allen vidual. He forgets that a member of a Com- mittee occupies the position of a judge ; bis duty is to decide impartially on the evidence adduced, and if he were to take up one side or another he is unfit to be on the Committee. If the Premier really holds the opinion that the honourable member for Bruce and myself, or any other member of the Committee, were favouring Mr. Cook in the matter, then it is his plain duty to move that our names be struck off the Com- mittee and other members should take our places. I tell the Premier that he has no right to make such a statement, or to bring such a charge against me. He may think lightly of it, but I do not. Every member of a Committee of this House sits as a judge, and, therefore,

a charge of favouring one side or the other is the gravest charge that can be made against him. and I will resent it every time it is made. The Premier could not have considered the effect of what he said. The House will have the best proof that I did not defend either Mr. Cook or Mr. Easton when it has all the evidence given before the Committee, and when it carefully peruses the questions I put to those gentlemen. Reference to the charges in Mr. Easton's petition ought not to be made at this time. The matter has been remitted to a Committee, and it is highly improper for any honourable member to express an opinion upon it before the Committee has reported. I could not help wondering, Sir, why you did not check the Premier when he was making that statement. I can only conclude you did not hear him. There is no doubt that an endeavour is being made to prejudge the whole case. What the decision of the Committee will be the House will know when it gets the report. As far as the particular amendment before us, to strike out the words "as satisfactory," is concerned. I emphatically agree with it. The whole business is eminently unsatisfactory. Mr. FISHER (Wellington City). - Sir, the Premier's change of attitude has greatly confused the position. I stated this morning, and I now again state. that on every occasion upon which any question regarding the rights and privileges of this Parliament is raised, I shall, regardless of the approbation or the disapproval of members on either side of the House. always fearlessly and openly express my opinion. In times past, when the rights and privileges of Parliament were assailed, all parties in this House rivalled each other in their efforts to preserve those rights and privileges ; and I feel bound to say, whether the honourable gentleman likes it or does not like it, that the Premier approached this subject this morning in a most undignified way. Formerly, when a question such as this arose, there was immediately a fusion of ideas. Members were imbued with but one idea, and that was to protect in every way possible the rights, the privileges, and the dignity of Parliament. But what happened this morning ? Instead of the honourable gentleman, as leader of the House, taking up that dignified position, he ridiculed and lam-

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brought into exercise to protect those rights and privileges whenever they were assailed. Sir, I desire to express my strong disapproval of that line of conduct. If it be said that a Government supporter ought not so to speak, I take leave to say that I care not one jot for the opinions of members on either side when discussing a question of this kind, and besides, there are no points in being an undeviating supporter of the Government. You do not get medals for that. But, as proving the weakness of the Premier's position, neither he nor the Minister for Railways, nor the Minister of Justice, could quote one single precedent in support of the attitude they now assume. Not one. Let me briefly relate the circumstances of this case : Parliament declared that a breach of privilege had been committed. It immediately set up a Privileges Committee to inquire into all the circumstances surrounding the case. A witness refused to give evidence. The Committee took the proper constitutional course, and at once reported to the House the conduct of the recalcitrant witness. Can the Premier adduce one instance to show that that course was wrong? The honourable gentleman knows he cannot; and why he adopted this particular attitude is to me, to this moment, a perfect mystery. He has on former occasions worthily defended the privileges and the dignity of Parliament. What has brought about this peculiar change it is not for me to say. Could a case be more weak-could any honourable gentleman occupying the position of leader of this House be reduced to a more pitiable position than to be compelled to quote such a case as that contained in the charges against Judge Chapman, which was discussed in this House on the 7th August, 1874 ? This is an endeavour to get from this recalcitrant witness the name of the person who supplied him with the shorthand report of the evidence, which is the property of this House, the property of this Parliament. This witness declines to furnish the name of that person, and, in addition, he aggravates the offence-he deliberately flouts Parliament-and this conduct the leader of the House defends. Not only that, but the honourable gentleman eulogizes the conduct of this witness. For instance, the honourable gentleman, in his elaborate



testimony to the journalistic ability of the witness, says that, so far from being punished, he ought to receive so many hundreds a year extra from his employers. I never before heard a Premier or any other member of the House eulogize the conduct of a witness who had deliberately set the authority of the House at defiance. It is the first case of the kind in the history of this Parliament. The honourable gentleman, as I say, quoted the case of Mr. Luckie and Mr. Ward, to which I have just referred. In that case, after the House had resolved that a breach of privilege had been committed, and the House had decided to censure Mr. Luckie, who was a member of the House, Mr. Luckie was called in to receive the decision of the House, which was announced to him by the Speaker. Mr. which I wish specially to direct the attention of the House, this being the parallel case upon which the honourable gentleman founded his whole position this morning - Mr. Luckie said, -- "He might at the same time say that his position, and he thought also that of the House, in dealing with the matter was very much simplified by the handsome and frank manner in which the gentleman from whom he obtained the information came forward and said that, to save further complications, he (Mr. Luckie) had better give his name as that of the person from whom the information was obtained. The publication of that evidence through his instrumentality resulted from misapprehension, in consequence of his not having distinguished between information received from a member of the Committee and from a witness examined before that Committee. He should not have thought of divulging information obtained from a member of the House ; but he considered a witness under no formal obligation to maintain silence respecting his evidence. He trusted that, having made this explanation and apology, his remarks would be taken in the same frank spirit by the House as they were offered by him." Now, Sir, has the gentleman who supplied Mr. Cohen with the shorthand evidence taken before the Mines Committee in this clandestine and surreptitious manner come forward to announce to the House that he is the culprit ? Mr. SEDDON .- He is not a member of the Committee. Mr. FISHER .- How do we know he is not ? Does the honourable gentleman know ? If he is not he could not come forward. But what if he is a member-and that is what we want to find out ? Mr. SEDDON .- It is not the question of privilege then, it is to get at some member. Mr. R. THOMPSON .- You will not do that. Mr. FISHER .- Yes ; I agree with the honourable member for Marsden. I am afraid we shall not find that out. But I want to point out to the House again the utter fallacy-I will not say the stupidity- of quoting a case such as this as a precedent for our guidance in the case before us. In the case quoted, the culprit attended in his place in the House and apologized for his conduct. Now, has any person apologized for the offence committed in this case? No; the Premier, referring to the explanation offered by the person who surreptitiously obtained and published the evidence given before the Mines Committee, said he was not culpable, and he then proceeded to eulogize him, and to contend that the explanation was satisfactory. Satisfactory ! Why, I heard members all round me say that the so-called explanation of to-day is in reality a serious aggravation of the offence. The letter from Mr. A. E. Cohen, and from those who are behind him, advising him . -of course, they must defend their connection, with the letter-that letter, I say, from Mr. Cohen to the Speaker is not only an insult to this House, but it is the most impudent pro-

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who defends it? The very person who of all members in this Parliament ought to be the first to stand by the maintenance of its rights and its privileges and its dignity. Again, let us reflect. The honourable gentleman this morning, amid a rumble of thunder, asked us to say, in his resolution, that the course adopted by this person is satisfactory. What does that mean? If the honourable gentleman was of opinion this morning that the course adopted by this newspaper reporter was satisfactory, why does he now ask the House to alter his resolution and declare that it is not satisfactory? How does the honourable gentleman explain that? Of course, the honourable gentleman cannot explain it. But what are we to do? How are we to explain it satisfactorily to ourselves ? We cannot follow-that is to say, I cannot follow-the

serpentine course pursued by the honourable gentleman. If the circumstances have altered, if the honourable gentleman finds that he cannot sustain his position, if he wants to defeat the action of this House as he has defeated it, why does he ask us to follow him in blowing hot one moment and cold the next ? We were asked this morning to say that this explanation is satisfactory, and to-night we are asked to say that it is not satisfactory. Now, what are we to do? The honourable gentleman kindly endeavoured to explain that I had placed myself in a false position, and he also kindly endeavoured to extricate me from that false position. But will the honourable gentleman kindly explain his own position ? So much as to one case. I will deal with the 9.0. other, the Beaconsfield or Disraeli case. Was it not obvious and palpable that the honourable gentleman, in referring to that case, must have taken his version of it from the erudite leading article which appeared in the New Zealand Times this morning, which was completely upside down. These are the actual facts of that case : A Committee of the House of Commons was set up. A version of the proceedings of that Committee was reported by two newspapers. This was deemed to be a breach of the privileges of Parliament. It was afterwards found that the version printed in the newspapers was an authorised version, or, to use the words of the Committee's report, it was not " an unauthorised report." Therefore the House of Commons agreed to expunge the record. Again, does it not show how ill-informed or how weak the honourable gentleman is when he quotes two cases which are decidedly dead against himself? I never saw the honourable gentleman put himself into such a hole before. I do not go so far as the member for Bruce, who says that the honourable gentleman is weakening in power and character, but I do say that I cannot account for his action in any way whatever. Now, this is the honourable gentleman's resolution as it originally stood :- "That, in the matter of the breach of privilege that has arisen through the publication of the evidence given before the Goldfields and Mines Committee in respect to the promotion and flotation of certain dredging claims by Mr. Mr. Fisher accepts as satisfactory the expression of regret by the representative of that journal, and this House resolves to proceed no further in the matter." As we understand now, the explanation is not satisfactory, for the words "as satisfactory " are to be struck out ; but still the House, according to the resolution, is asked "to proceed no further in the matter." I suppose we are going to stop there. An Hon. MEMBER .- No. Mr. FISHER .- No, I do not think we shall stop there. My amendment of this morning proposed that the offending person should be fined in two separate sums of \$25 each-£25 for each offence, making £50 in all. Without doubt that amendment would have been carried by two to one, but the Premier, finding himself in a serious dilemma, convened a caucus, and so I have the honour of being the cause of the first caucus of the year being called together. An Hon. MEMBER .- You might have been sent for. Mr. FISHER .- No, there was not the least probability of my being " sent for." At the caucus the honourable gentleman submitted a proposal, so we hear, to take the wind out of my sails; not that I care how it is done so long as the rights and the power of this House are maintained. The honourable gentleman, I am told, has resolved that the principle of parliamentary law shall be maintained by the imposition of a fine; but I understand the honourable gentleman insists that it shall be done by him, and not by me. Very well; I do not care how it is done, or what the amount of the fine, so long as this Parliament is predominant in the governance of its own proceedings. That is all I care for, and I repeat that the House has one duty, and one duty only, in such a matter. It is a pity that upon a question of this kind the members of the House should have taken sides. It is a thing utterly new to me, for I never saw anything like it in the House before. I said, when the honourable gentleman drew a red-herring across the scent by referring to the commercial transactions of Mr. Cook, that I would make a passing reference to the matter myself. Now, Mr. Cook was liquidator of the Guthrie Companies. We know that the Bank of New Zealand lost some hundreds of thousands of pounds through the Guthrie Companies, and that Mr. Cook made a very strong report to Mr. Justice Williams, sitting in the Supreme Court, Dunedin, upon the subject. and asking for the direction of the Judge. More particularly did he call attention to one of the Guthrie companies-the

White-pine Company, with which Sir Robert Stout was chiefly connected as a director. And as this Government had committed the country to a liability of two millions to lend stability to the bank, and as the Guthrie Companies had robbed the bank of so many hundreds of thousands of pounds, I asked the honourable gentleman in this House, as leader of the Government, whether he deemed it his duty to intervene in a matter so

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honourable gentleman refused to stir hand or might have asked the honourable member for Bruce that question when he started his speech, foot. Mr. SEDDON. - I said I could not inter- and also the honourable member for Wellington fere with the management of the bank, nor City. I would suggest that the honourable member who has interjected, like the honour- can I. Mr. FISHER. - Then, the honourable gentle- able member for Wellington City, will hardly man ought to have shown-it is a matter of find there are any points in being an unde- viating supporter of the Opposition, and that if taste, I suppose-the honourable gentleman ought to have shown a little more delicacy in he chooses to transfer his allegiance to this side dealing with the character and history of Mr. of the House we should be quite willing to Cook. I do not speak in the interests of Mr. supply him with a little intelligence, and to let him into some of the secrets of the Govern- Cook. Mr. Cook is a man for whom I have no concern ; but I do say that had Mr. Justice ment, and I have no doubt the Minister Williams done his duty fearlessly as a Judge, of Justice would apprise him fully of what acting upon the report of Mr. Cook, Sir Robert the amendment is. I was a little surprised Stout would not be Chief Justice of this colony to hear some of the remarks of the last speaker, to-day. Mr. Easton I never saw before I heard but I fear that to the honourable member for him give evidence before the Privileges Com- Wellington City reference to the Press of the mittee. But if we are to have the history of colony is very much like flaunting a red rag Mr. Cook in this public way, let us have his before a bull. He did what I do myself some- whole history. Mr. Cook may have inflicted as times : he thumped the book, and he said there great an amount of injustice upon persons as was no precedent for the course suggested on Mr. Henry Wright has in Wellington. They this occasion; and the honourable member are gentlemen for whom I have no particular went on to say that he had never before heard regard ; but I think, if the honourable gentleman of a question of privilege being made a party holds such opinions of Mr. Cook to-day, he question. I should have thought his long ex- perience would have prevented him from ought at least to give him credit for his report upon Sir Robert Stout and the Guthrie Com- making that statement, or that, at all events, he would have looked up the records to refresh panies. Now, Sir, to sum up this business : Of course, we will all closely watch the denoue- his memory. If the honourable member looks at Hansard of the 26th October, 1895, he will ment. We will all watch that stage of the busi- ness very carefully, because, after this comedy, find a party division there recorded on a ques- this parody, of to-day, it is the last stage that tion of privilege. He will find that the mem- bers on that side of the House either voted that will amuse us most. The honourable gentleman this morning went through the ludicrous per- it was not a question of privilege or else they formance of imitating the demeanour of a per- walked out and did not vote at all. Some did not vote to declare it was not a breach of son appearing at the bar of the House. He privilege ; they ran away and did not vote at told us how ridiculous the whole thing looked, almost like a clown in a circus-an amusing all. The members who voted that it was a picture perhaps, but not a dignified picture. breach of privilege were Carncross, Carnell, And I say-because I wish it to be understood Crowther An Hon. MEMBER. - Crowther was in opposi- that I am not speaking of Mr. Seddon, I am speaking of the Premier of this country-and I tion. Sir J. G. WARD. - Mr. Crowther was a Go- say that, I care not who the man is who is Premier of this country, he ought to remember vernment supporter then. - Flatman, Guin- that he is not placed in that position to gratify ness, Hall, Hall-Jones, Harris, Hogg, Houston, Joyce, Larnach, Lawry, Mackintosh, McGowan, his private or personal feelings on an occasion Mckenzie, J., Mckenzie, R., McNab, Meredith, such as this : he is there

to protect the interests Montgomery, Morrison, O'Regan, Parata, Pere, and the dignity of this Parliament. I am exceedingly sorry to say that the proceedings of Pinkerton, Pirani, Reeves, Seddon, Stevens, Thompson, R., Ward, and Willis ; tellers, this morning have tended to destroy the high ideal I had formed on the subject of the rights Buddo and Collins. Now, there is not a single member of the Opposition in that division-list, of Parliament. I have watched the proceedings who voted for declaring it a breach of privilege of this House very closely for more than thirty and upholding the privileges of the House, years, and I say with great regret that I never saw the honour of the House so lowered in the with the exception of Mr. Pirani, who was then, dust and besmirched as it has been to-day. I think, a Government supporter. Every one Sir J. G. WARD (Colonial Secretary) .- Sir, of the Opposition voted against its being a I should have thought that by this time the breach of privilege, or abstained from voting at House would have had about enough of this all. And certainly the member for Bruce was present, as I mentioned before to-day, just be- question of privilege ; but as it does appear fore that division was taken, and he thought so that some members are still desirous of discuss- little of upholding the dignity of Parliament ing it, and not allowing the amendment of the and maintaining its privileges that he did not Minister of Justice to be carried, I do not see vote upon it; he walked out. But imme- that any harm can come by saying a few words diately afterwards there was a division on a more upon the matter. Mr. ATKINSON .- Tell us what the amend- motion to adjourn the House, and he was in his place and voted on that motion all right. ment is.

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member for Bruce was prepared to swallow those professed principles wholesale on that occasion ; but then it was in order to shield a member from that side of the House who had committed a breach of the privileges of this House, and who, according to the member for Palmerston to-day, admitted at the time that he had committed a breach of the privileges of this House, but said that he did it for a par- ticular purpose. Mr. PIRANI .- A very small matter. Sir J. G. WARD .- It may have been a little matter, but if it was a question of prin- ciple it was all the same. What extraordinary men these are ! There is a great principle in- volved. The smallness of the matter has no- thing to do with the question. The roof of this House is going to tumble in in consequence of the publication in the Dunedin Evening Star of some evidence given before a Committee before it came to this House; the whole heavens are going to fall unless we fine the publisher and reporter : but when a member on that side of the House committed a de- liberate breach of privilege, and did it inten- tionally, and defied the House and defied the Speaker, it is said to be a small matter. Mr. MASSEY .- What was it? You do not know. Sir J. G. WARD .- The honourable member ought to go and teach his grandmother to suck eggs. I know what it was perfectly well, and I know what I am talking about, and the House knows perfectly well what it was. Yet my honourable friend Mr. Fisher tells the House to-night that he has never known a breach of the privileges of this House being made a party question. I have never seen questions of breach of privilege raised but immediately the question of party has been introduced into it. And I should have thought that the honourable mem- ber would by this time have seen where he is being landed by one member, at any rate, of the party opposite in connection with this matter. What did the honourable member propose ? He proposed that two men should be fined #50 without being called to the bar of the House- that two penalties of \$25 each should be im- posed without these mer being heard at the bar of the House. Is there any precedent for such a thing in the history of parliamentary institutions, where two men are fined without being heard at the bar of the House ? I say you cannot find anything of the kind. Mr. FISHER .- He has twice been heard, and has twice been refused. Sir J. G. WARD .- He has done perfectly right in refusing, and if the honourable mem- ber had been in his position he would have done exactly the same. If the honourable member wants the high position he speaks of to be maintained, then I say he has no right to ask any man to commit a dishonourable action in order to get at somebody else. That is the position in this case, and the more I think on this matter the more I realise that that is so, because we find

that the honourable member, when he moved this double fine of \$25 each Sir J. G. Ward believed evidently that two members to one in this House were going to support him. Did the honourable member believe that ? Mr. FISHER .- Yes, I did. Sir J. G. WARD .- Very well ; it should be clear to the honourable member that he is not going to get support in some quarters when the member for Bruce now says he is not going to support that resolution. Mr. J. ALLEN .- I did not say that. Sir J. G. WARD .- The member for Bruce distinctly said that he was not going to support the resolution moved by the honourable member. An Hon. MEMBER .- He said afterwards he might. Sir J. G. WARD .- The honourable member said distinctly that he was not going to support the amendment proposed by the member for Wellington City (Mr. Fisher). The honourable member will not vote for it, and others whom he had relied on will not do so, and therefore the honourable gentleman's amendment is doomed. Mr. FISHER. - What happened at the caucus after the adjournment ? Sir J. G. WARD .- I do not know who the honourable gentleman has consulted, but I would be able to tell him what happened at the adjournment if I knew whom the honourable member had then consulted. I think, if the proposal to impose a penalty of \$50 without giving the persons to be fined an opportunity of appearing at the bar of the House were adopted. then it would be a most unfair and improper thing, and entirely without precedent, and I am sorry that the honourable member has suggested it. It may have been open to question whether the course taken by the Government was the best course to take, but, because some disagreed with the resolution of the Premier, to immediately impute motives to members of the Government and to members on this side of the House of failing to do their duty is not, I say, a fair thing. And it comes back to the original position. The honourable member has again asserted that because the representative of the journal in question has not disclosed the name he ought to be fined \$50. Well, then, Sir. to be logical and to be consistent, in the event of his still refusing to disclose the name, we ought to go on using the powers of the House and .... i inflict penalties until he has exhausted his resources or until he has been compelled to disclose the source of his information. But here we have on record the case that I referred to to-day, and it is a precedent, and I repeat it to the honourable member for Wellington City - that where a breach of privilege had been declared by the House to have been committed by a member no fine was imposed. On the contrary, the Right Hon. the Premier, Mr. Seddon, from these benches, said that we had gone far enough, and that the privileges of the House were maintained by passing the resolution declaring that a breach of privilege had been committed, and, an expression of regret having

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been received, that was sufficient in that case. been committed, but they would seek to inflict And here we have a representative of a journal heavy penalties. They have other reasons for it. I say, if we were going to do any good by who has admitted, according to his own words, that a technical breach of privilege has been imposing a heavy penalty, I would not myself be committed ; but, according to the forms of this object at all ; but we all know that it will do House, an undeniable breach of privilege has no good whatever. Now, take another case- that of the then leader of the Opposition, Mr. Bryce. A question of privilege cropped up in relation to him will not go further and do something connection with him. which would stigmatize him as a dishonourable man in the eyes of the country, asserting and reasserting that we are not doing the right gentleman took exception to the Speaker calling him to order for a statement that he had made thing unless we impose a fine, with a view to compelling him to disclose the source of his information about a member of the House, to the effect that information and to thereby do a dishonourable the member ought to be ashamed of himself. He was called upon to withdraw, and he refused action. Mr. FISHER. - I want to get the other to withdraw that remark, and he thereby disobeyed the ruling of the Chair. He had what fellow. Sir J. G. WARD .- Why does the honourable member believe to be good and sufficient reasons for the member not name the other fellow ? Why the course he took, but he did not conform to does the honourable

member, if he has his the Standing Orders. But, though by his refusal to withdraw he defied the ruling of the Chair, suspicions, not say to whom they refer? Some of those honourable members talk suspiciously you did not find the members of the Opposition about another individual, but it would be running away from him and looking for reasons much more honourable and manly, instead of in order to derogate in the slightest degree from making these insinuations, and thereby casting the course the then leader of the Opposition took up. On the contrary, the members of the these innuendoes on every member of the House, to name the man, whoever he is. Opposition rallied round him, and stood by him Mr. FISHER .- Why should we name him ? throughout the whole of the trouble, although Sir J. G. WARD .- I say, if you have good it was admitted that he had committed a breach of the Standing Orders by his refusal to obey grounds for your suspicions you should say what they are; and the honourable member the ruling of the Chair. Every member on that side of the House who stood beside Mr. Bryce, knows that he is asking a Press representative to do a dishonourable thing, and I say we have who then occupied the position of leader of the Opposition, rallied round him and stood by no right to do that because we cannot obtain the name of the person from whom this informa- him from beginning to end. tion was obtained. Mr. FISHER .- Let him pay, then. it was a credit to them that they did. Sir J. G. WARD .- Very well, and if we did let him pay, then where would we be? Any able that they did so : and I say, in a case like nearer to finding who the man is? No. Now, that, to find those high attributes of loyalty in the case of a member of this House, where which one cannot but admire existing amongst we have declared that a breach of privilege has the following that Mr. Bryce had, redounded to been committed we did not call upon him to their credit. The rule is that the Speaker must be obeyed. He refused to obey the Speaker. pay ; and why should we put a member of the Press in a worse position than a member of this They supported him in the course he took, House who has committed a breach of the which led to his retirement from the House, privileges of the House, and which was a no and which I, with many others, very much re- worse offence than has been committed in this gretted at the time; but it is a fact that he committed a breach of the Standing Orders instance ? An Hon. MEMBER .- He did it for gain. and refused to obey the ruling of the Chair, and Sir J. G. WARD .- Who can tell what motive the whole of the party stood by him. Now, had might have actuated the members of the House one on this side of the House acted similarly, in the past in committing breaches of privi- the Opposition would have insisted on the lege ? It may have been done for the purpose Speaker being obeyed. That was surely making of notoriety, but the fact remains that where a privilege a party question. In another case, breach of privilege has been committed, and where a member on that side was guilty of a the House by resolution has said that a breach breach of privilege, they all walked out of the House rather than do anything which would de- of privilege has been committed, it did not follow it up by inflicting a fine. Yet when a rogate in the least from one of their number- representative of a paper who has obtained rather than uphold the Standing Orders they information, he says, in an honourable way, and all walked out of the House. Therefore, in the when that information has been published in three cases I have referred to, where it con- his journal and we call upon him to disclose cerned one of their own party, the dignity the name, and he, in accordance with profes- and privileges of Parliament they entirely ignored. They made it subsidiary. Now, the sional etiquette and honour, refuses to do it, honourable member for Wellington City made we would impose a fine for a breach of privilege. a statement that the Premier had not only Some honourable members are not satisfied that moved a resolution which he stated would we should affirm that a breach of privilege has Mr. PIRANI .- Oh, no. Sir J. G. WARD .- Yes; the honourable Mr. MONK .- I should think they would, and Sir J. G. WARD .- I admit it was very credit-

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but that he even went so far as to eulogize him. What the Premier did was a thing which I think every member of the House ought to do : he eulogized the action of the representative of the Dunedin Star for

having refused when asked to disclose the source of the information he published ; he eulogized the honourable conduct which the representative of the Evening Star had shown by refusing to do what would have stamped him as a dishonourable man. I think the Premier did what was perfectly right in this matter. And to suppose that any other course could be taken is something which would be distasteful to any man, though he may not agree with the course proposed to be adopted by the Government. Now, in the case that has been referred to of the case of the President of the Bank of New Zealand-and it has been referred to again this evening by the honourable member for Wellington City (Mr. Fisher)-I repeat, in this case the right course was taken by the House, and the right course was taken by the President of the bank. Mr. Watson, the then President of the bank, was an officer of the State, and had sworn in his official position not to disclose private and secret matters which came before him in his official capacity. A Committee of this House was set up to inquire into affairs connected with that institution, and the Committee asked him to disclose certain matters, and he rightly refused to do so. The President was reported to the House, and the House imposed a penalty of £500 on the then President, because he had committed a breach of privilege and refused to obey the Standing Orders. Who paid the \$500, and what good did it do when it was paid ? The President of the bank did not himself pay the £500. Mr. J. ALLEN .- It does not matter. Sir J. G. WARD .- Well, I say it is a farcical procedure-it is an idiotic procedure-under any circumstances to bring a man before the bar- as has been done on more than one occasion -to bring the representative of a newspaper before the bar of the House and impose a penalty upon him or confine him in the tower. What occurs? Everybody laughs at the members of Parliament for having made-I was going to say such fools of themselves; but they laugh at the proceedings necessary to enable a course to be taken that does no good what- ever, and does not in the least prevent a recurrence of the offence. Mr. J. ALLEN .- Oh ! Sir J. G. WARD. - Does the honourable member mean to say that it does ? I say in this country of ours, ever since I have been a member- during the fourteen years I have been 9.30. a member of this House I have never known a case of the publication of evidence given before a Committee made a breach of privilege excepting this particular one. Of course, it was different in the case of honour- able members themselves wilfully disclosing evidence, and, when attention was called to it, defying the House. That was done in the case I have already referred to. During all Sir J. G. Ward in the newspapers information that had been given before Committees of this House with- out, as I have already said, exception being taken in the House to it. Mr. MASSEY. - That is what we want to stop. Sir J. G. WARD .- The honourable member says he wants to stop it. I agree with him: but let us stop it in another way, and that is by amending the Standing Orders in a common- sense way, so as to allow information given before Committees to be reported if the Committees have no objection to this being done. At present it percolates to the Press in various ways, and Committee work is looked upon as part of the whole machinery of Parliament. For other reasons, not so much the publication. we find in this case a hubbub made, and the whole power of Parliament invoked to get at the delinquents. This attempt is similar to others. Some desire to elevate the publisher and the reporter of a paper into the position of extraordinary persons by dragging them before the bar of the House and imposing a penalty of \$25 each. The result is the paper itself pays the fine, its prestige receives a tremendous addition, and for the time being its circulation is so increased that in the course of a few days the fine is paid out of the additional receipts. The individuals concerned virtually snap their fingers at the system, and the country laughs at Parliament. Mr. MCLACHLAN .- Double the fine every time. Sir J. G. WARD .- The honourable member must know that if the House were to try to do an unfair thing public opinion would rise up against it. What is wanted is an alteration of our Standing Orders, so as to bring them into line with modern views and our present-day requirements. We can continue to have our secret Committees when they are considered necessary, but when matters not of a private nature but of public interest come before Committees I would ask, What have member of Parliament got to fear if they are published ' I say, alter the Standing

Orders. Do not let us continue to use the fusty-musty precedent of fifty years ago, which have been referred to by the member for Wellington City (Mr. Fisher). I gave members a recent case, for surely we are more enlightened now than people were in 1857. Take the precedent of the case of a member of Parliament in 1895. We are coming more into line every day of our life. Mr. MASSEY .- The cases are not parallel. Sir J. G. WARD .- The only difference is that on that occasion it was an intelligent member of the Opposition, now it is an intelligent member of the Press. But I do not think there is any material difference between the two cases, for a breach of the privileges of the House was committed in each case. In the one, so far from imposing a fine, we passed a resolution stating that a breach of privilege had been committed, and that the matter was to rest there. In this case we have already declared that a breach of the privileges has been committed,

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and the honourable members opposite know. But at the time he was endeavouring to create, perfectly well that when the matter was referred to the Committee this was done in order and improperly so, in my opinion, and unfairly to prevent the stupid proceeding of dragging so ; and there is no member on this side of the House-I should be very sorry to suppose there the representatives of the offending journal to are many members on that side of the House .- the bar of the House. Notwithstanding this, who would in any way support the honourable those honourable members now want to take this further action, or to have them fined member's unmerited statement regarding the health of the Premier-what he was trying to wholesale without being heard at all. Take due care to draw invidious distinctions between the case of the breach of privilege with which the members on the Treasury benches, and in Mr. Richardson was charged in 1891. Here, this particular case between the Premier and again, the member for Wellington City- Mr. FISHER .- There was nothing in that myself. That sort of thing does not go down. It is not the kind of thing a member of ordinary case. common-sense would be expected to do, and it Sir J. G. WARD .- At any rate, I am going does not do the honourable gentleman any credit to show the honourable gentleman how party entered into that case, as he says that it did to make a statement like that. There has been not come in. In Hansard of that year I find no pressure brought to bear by me so far as the that "Mr. O'Connor moved that the explanation- Premier is concerned in the matter. The resolution of the honourable member for Waikato is resolution was not promoted by me, as the honour- sufficient and satisfactory to the House." What able member says, but the resolution came up in Cabinet for consideration, and it was decided occurred ? It will be seen by referring to Hansard that the members opposed to the honour- that it was the best course to be adopted ; and able gentleman referred to voted en bloc against because that resolution is not acceptable to the him. Surely there is party in that. That was honourable gentleman, and to some other a breach of the privileges of the House, and it honourable members with him, they immediately was discussed at very considerable length ; and immediately impute motives. then, when Mr. Rees moved on the same occasion, he moved that the words of Mr. Rees's caucus. amendment be inserted ; and there, again, a division took place-thirty-three against twenty- caucuses, we are quite able to take care of our-four-and every member of the twenty-four was selves in caucus, although Paul Prys may think proper to give distorted statements of a member of the Opposition without an exception. I glance down the list here and I what takes place there ; and although occasionally find that every member of the then Opp- ally some member from the caucus may have position voted against the motion moved dropped a word here and there to give them a by Mr. Rees. The honourable member for lead, we know perfectly well how to conduct Wellington City (Mr. Fisher) was very eager and what we do in caucus. We do not make this evening to suggest there was somebody any of the reflections that they indulge in when behind all this, and it appeared to me, looking they hold a caucus. We do not put our party at the matter impartially, and wondering who in the position of catamarans in heavy weather, was behind the honourable gentleman-using when they throw everything about. At our his own expression-I wondered when I heard



caucus our members are not trying to usurp the honourable member for Bruce, Mr. Allen, the position of their leader. On that side every speak, if there could have been a conference member finds fault with his leader, and finally between the two honourable members. What they strike, and the Opposition is ruled by a general manager, and those who were in the was the gravamen of the charge that Mr. Allen urged ? Why, it was that this particular catamaran are thrown overboard, and they are journal, which ought to be, according to his all at sixes and sevens. own views, an out-and-out supporter of him caucuses, let them look to their own caucuses. and his party, had done something like this : We can look after ourselves very well. They that it had at different times said that it be- really did imagine that upon this occasion they lieved in the administration of gentlemen such "had " the Government. posal of the Opposition ; it was moved by the as we were, and had given the support of its leading columns to this party, I under- honourable member for Wellington City (Mr. Fisher), of course, entirely off his own bat, stood. without the slightest suggestion of any kind Mr. J. ALLEN .- I did nothing of the kind. Your understanding is not very good. having been made by any member of the Sir J. G. WARD .- It is perfectly good, and Opposition, without any lobbying or any at- I shall be able to show the House that it is the tempt on the part of any member to try and honourable member's own understanding that have a cohesion for the time being of some is defective, and that in the short space of half members on the Government side and the an hour the honourable gentleman has for- whole of the members of the Opposition side; but, though so innocently done, they expected gotten what he really did say. What he did say was that this paper supported one member to have this resolution carried by a large of the Ministry ; he was good enough to name majority. The honourable gentlemen now find themselves again in the pitiable condition of that member of the Ministry, and to say that it being in a hopeless minority. They find that supported me. Mr. J. ALLEN .- And me. the good-sense of the House prevails. They Sir J. G. WARD .- He said that later on. Mr. HERRIES .- It was settled at the Sir J. G. WARD .- I say, talking about They talk about This is not a pro-

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for Wellington City (Mr. Fisher) to inflict a fine of \$50 without calling the representatives of the paper to the bar of the House is not ac- ceptable to the House, and immediately my honourable friends blame the caucus. Well, if the caucus has been the means of bringing about such a condition of affairs as that, I should have thought they would have said very little about the caucus, and would regret the calling together of the caucus so far as the Government is concerned at all. Now, why is there any exception taken to the striking out of the words. Surely those honourable members who do not look upon the proposal contained in the resolution as being one which should contain the words " as satis- factory " would consider that a sufficient reason for eliminating the words "as satisfactory." And is it not a usual thing to first of all give notice of the intention to strike out certain words with a view of inserting others, and then afterwards to propose what the other words should be? That is quite usual, and it has been done on many previous occasions in my experi- ence. Members must know it is not a trick or catch, it is not intended to take advantage of any honourable member or members of the House, but it is to prevent unnecessary dis- cussion in the first instance until the road is perfectly clear to insert the words. The two proposals will come in consecutive order. Mr. FISHER .- You are putting salt on their little tails. Sir J. G. WARD .- Everything, I think, is going along so satisfactorily that even a propor- tion of salt is absolutely unnecessary. We all admit that a breach of privilege has been com- mitted, but it has been magnified into unneces- sary and uncalled-for dimensions in comparison with the procedure adopted by the House on a former occasion. As members now see the road clear to have it brought to so satisfactory a con- clusion, they ought surely to be in a position to come to a decision on both sides of the House and let us get along with the real busi- ness of the country. Let us first strike these words out, and then the curiosity of those honourable gentlemen who are anxious to know what is to be inserted will be gratified, and the words will

be proposed by the Minister for Public Works. Now, as to the amendment that has been proposed, that we should inflict a penalty of £50: When those men who are going to succeed us in this Chamber, say, fifty years hence, turn to the records of this House to see what has taken place on this occasion, one can imagine them saying, "Who can that Mr. George Fisher be, who moved an amendment proposing a fine of £50 without the fair and customary right for the men accused to be first heard?" and echo, answering, "He was a strong gentleman with a journalistic turn of mind, but unfriendly to the Press generally. He was very anxious to put on record his great love and approbation for the Press, with which he had been connected in past times, and he thought that anything short of \$50 would be insufficient to show the high and Sir J. G. Ward mation." And then, possibly, some other honourable members saying, "What a peculiar man that Mr. Pirani, the member for Palmers- ton, must have been, giving out little bits of evidence here and there," and wondering why it was that he selected only parts that suited himself, and for what reason the whole of the evidence was not put on record. The good feel- ing, they would say, between the honourable member for Wellington City (Mr. Fisher) and the honourable member for Palmerston must have been dove-like. They were drawn closer and closer together by a bond of mutual love and esteem; in fact, the feeling between those two honourable gentlemen would be such as to call for the admiration of those who may be here fifty years afterwards. Then, what would they think of the honourable member for Bruce. who spoke in support of the member for Wel- lington City, and who then voted against him? Then the consistent man would be able to say, probably pointing to some inconsistent man some fifty years from now, "History repeats itself. There was a gentleman in 1901 who also spoke one way, and at the crucial test voted another." The matter would probably be put in these words: "There was a great ado made fifty years ago about comparatively nothing. It makes us wonder what sort of men there were then, who wasted their own and their country's time in settling a matter that ought not to have occupied two hours, instead of two days. What peculiar beings must have been in Parliament fifty years ago." Now, I do not admit the publication of this evidence wholesale was a right or proper thing to do by any means. but I do say that it has been going on in the colony for the last fifteen years to a lesser extent; and suddenly honourable members, in order to maintain the dignity of Parliament and to uphold the privileges of the House, magnify the whole thing into a fearful crime, and nothing will satisfy some of them but to inflict heavy penalties upon two men, and without their even being heard at the bar of the House. I say it will indeed be remarkable if the Parlia- mentarians fifty years hence do not imagine we are a peculiar lot of men. I think, for the credit of the Parliament, this matter should be ended. Mr. ATKINSON (Wellington City) .- Sir. it was a pleasure to listen to the Postmaster. General. He is generally vigorous, but even when most vigorous he is not unkindly. I cannot help thinking that if posterity fifty years hence pays the same attention to the debate that he imagines it is going to do it is probable that some critics may contrast the speech made by the Postmaster-General this afternoon with that which he has just delivered, and he may also contrast the speeches delivered this afternoon by the Right Hon. the Premier with the one he delivered this evening. He would find in the speech the Postmaster-General delivered in the afternoon a very generous contempt for "fusty musty precedents," but he will find in the speech he has just delivered that it abounded in these

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some satisfaction which I am unable to feel at "fusty-musty precedents," and that he placed great reliance on them in the evening, although the present time. At any rate, I thoroughly in the afternoon he flouted them. Now, the agree with his argument when he says that Postmaster-General told us just now that he to adopt the motion was simply to insult the House; but that the amendment that was did not approve of the wholesale publication of this evidence; and that, I think, was the proposed was not as complete as one would desire. I may say that, while I could not whole reference in his speech to the fact support the motion, I think the amendment that a gross breach of the privileges of this House had been

committed. " I do not approve was very much nearer the mark than that in- of the publication of this evidence ": Those sultry motion of the Premier's which we were were the words the honourable member applied asked to adopt. Now, the Premier even carried in the last words of his speech to the breach of his tactics so far this afternoon as to resort to burlesque and mimicry. He first of all put privilege we are discussing here this evening. I would undertake to say that no honourable into the mouth of the honourable member for member, and no person listening to the Pre- Bruce words he never used, and then he adopted mien's speech this evening. could, unless he had a singularly sneering and mincing tone in sup- a notion of what the subject was that was before posed imitation of the member for Bruce. The the House, have possibly discovered it from the tone was not the tone of a gentleman, and speech itself. I did consider that the Premier therefore it is not the tone which was employed had exhausted every contemptible appeal this by the honourable member for Bruce ; nor were afternoon that it was possible for a man to the words which he ascribed to the honourable make with reference to the subject-matter of member for Bruce used by him. He did that, this debate, but by the time I had listened to and also, as the honourable member for Wel- him for another half-hour this evening I waslington City (Mr. Fisher) pointed out, indulged aware I had been mistaken. He had already in a similar burlesque upon the forms of this this afternoon successfully endeavoured to make House, and the absurdity of this House en- this a party question. The party Whips had deavouring to assert its dignity by calling been busy from a very early hour. We had a person to the bar of the House and asking that person to answer for what he had seen the cards pricked and reported to the right honourable gentleman from time to time. And that is the gentleman who is the time, and we knew, by the general expres- custodian of the dignity of this House. And sion of those concerned, that the result was then another argument which he used, which not altogether satisfactory. Since then there surely I am entitled to term as contemptible, has been a caucus, about which we know was that, assuming instead of the motion he something already, and about which we shall has moved he had moved some other motion, , know more presently. He has used all the the Opposition would have equally declared it devices in his power to impress upon those of was wrong. These were the arguments resorted his followers who are anxious to give a vote on to this afternoon ; but I come to the one we this question according to its merits that it is have had this evening, centred on the doing nothing but a party question. He has talked and character of Mr. Cook-namely, that it about a " slap in the face " that the Opposition was Mr. Cook in the first place who published is endeavouring to give him; and he even this report or communicated it to the reporter, detects in the fact that three of the Opposition and that, in the second place, Mr. Cook has went into the lobby with him, on the only approached certain members of the Opposition division we have had hitherto, some sinister - namely, certain southern members -- design by which the faithful are to be misled. I do not know whether he detects something sinister also in the new leader of the Opposition, Premier named, but I must ask him not to in- the junior member for Wellington City. interrupt. Mr. FISHER. - And not a bad leader either. Mr. ATKINSON .- I am glad to say the City told the House I had never said so. of Wellington is going solid for once on this particular question. When it comes to a order ? question of the privileges of this House the City of Wellington will present an absolutely rising to a point of order. united front; and I am glad that it is so. But let me say, with regard to my vote, that I was in some uncertainty as to my vote in support of repeated the statement that I denied in the House, and which denial was accepted by the my junior colleague's amendment, and I know other honourable members apparently were in House and the honourable member for Bruce- a similar difficulty. The speech with which I namely, that I said Mr. Cook gave this to find myself in closest agreement is the speech the newspapers. of the honourable member for Waitaki, and it denied it, and the honourable member is re- was quite clear-and, indeed, he expressly peating it again. stated-that he could not support either the motion or the amendment. I do not know how he voted: or possibly he was in the con- Wellington City just now made the statement that I said it, and I

say I want the words taken from the Premier with regard to the proceedings at that caucus, and so he may have done. VOL. CXVIII .- 26. Mr. SEDDON .- I never said so. Mr. ATKINSON .- I do not want to have the Mr. SEDDON .- I rise to a point of order. I Mr. ATKINSON. - What is the point of Mr. DEPUTY-SPEAKER .- The Premier is Mr. ATKINSON .- He is making a speech. Mr. SEDDON. - The honourable member has I never said that, and I An Hon. MEMBER. -- You insinuated it. Mr. SEDDON .- The honourable member for

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mier's denial. I do not know whether he was in the House when the Premier made it, and said he did not make that charge against Mr. Cook. Mr. ATKINSON .- Yes, I was here. Mr. DEPUTY-SPEAKER .- Then it is your duty to accept that denial and withdraw the statement. Mr. ATKINSON .- I accept the denial, and withdraw the statement, and I say that the Premier did nothing so straightforward as to make the statement I have just made, but the whole of his argument was to imply and insinuate that Mr. Cook communicated the report, and there was no point at all to about ten minutes . of his speech except leading up to that as a climax. I do not say that he deliberately, openly, expressly, and frankly stated that Mr. Cook had made the communication, but he certainly led us to infer it, and that was the point of the argument he used. These were the two points centred round the introduction of Mr. Cook. I do not know anything about Mr. Cook. I do not know him by sight. I know nothing about his character. If he is extensively concerned in mining he is engaged in a very dangerous pursuit for an honest man. He may be the clean potato, or no; he may be better than a director of the Anglo-German Syndicate, who at the same time holds a paid office under the Government. I really do not know what manner of man he is ; but what on earth has Mr. Cook's character, or anything that Mr. Cook may have done, got to do with the motion that is before us at the present time? Absolutely nothing. Mr. Cook may have communicated that report to the reporter of the Dunedin Star. That does not affect the matter. The Dunedin Star must answer for its own sins. We are here to-day to consider what answer we shall call upon the Star to make. It may have been a member of the Goldfields Committee, it may have been one of the witnesses, it may have been Mr. Cook himself ; but none of these hypotheses shifts for a moment the responsibility that rests upon the shoulders of the Dunedin Star. So why the right honourable gentleman should introduce that matter, except to confuse the issues, I fail to see ; and I do not think any other explanation can be given. Now, the right honourable gentleman told us, in introducing his motion, that it had been carefully considered by the Cabinet. Well, I am sorry to hear it, for the sake of the Cabinet ; but I am glad, indeed, to think that the caucus of the Ministerial party, which has been held this afternoon, is more jealous of the honour of this House than the Cabinet which is controlled by the right honourable gentleman, and that the result of its deliberations is the amendment which we are presently to have from the Minister of Justice, but which at present, for the greater gratification of the right honourable gentleman's character for ! diplomacy, is kept up the sleeve of the Minister who is presently to move it. Now, the Right Hon. the Premier has we also can make it the most contemptible Court in the land if we are going to assert our dignity in the way he invites us to do. The first two speeches which we listened to from the Government side on this question were speeches abounding in eulogy of the enterprise of the reporter and the enterprise of the newspaper which had been the means of publishing these proceedings, and, really, if such speeches had been made proposing the toast of " The Press " at a banquet, and had closed with " For he's a jolly good fellow," they would have been appropriate enough. But surely they were absolutely out of place from the custodians of the honour and dignity of this House. They would properly have concluded with a vote of thanks. As I suggested to the Right Hon. the Premier- and he was very angry-his speech would properly have concluded with a vote of thanks to the Dunedin Star for having 10.0. been the means of this publication. The Postmaster-General went so far as to say that the correspondent of the Dunedin Evening Star should have £100 increase of salary on account of the enterprise he displayed ;

and a private member of the Government party expressed his high admiration of the "cleverness and dexterity" of this correspondent in obtaining this report, and publishing it possibly in an honourable manner, possibly with the same dexterity and cleverness with which the reporter of that paper manages to get hold of a number of departmental reports before they are presented to the members of this House. Now, the Postmaster-General informed us this afternoon -and his speech this evening did not differ in that respect-that in asserting the rights and privileges of this House at the expense of Mr. Cohen we shall be asking him to be guilty of a dishonourable action. An extraordinary argument! Is the honour of journalists to put journalists above the law? Is the honour of a journalist to enable him to flout the dignity of Parliament? The journalist knew he was doing wrong; he knew he was committing a breach of the privilege of Parliament. He must have known there was a possible or probable penalty, and, as one honourable member said, he must have reckoned it as a fair business risk to incur. We are now asked to say that, because he does not disclose the name of his informant, therefore he should be exempt from obedience to the Standing Orders of the House. The Postmaster-General said-and it has also been said by several other speakers-that the information was obtained in an honourable way. I am not so sure about that. I am quite prepared to accept the explanation of Mr. Cohen that he did not steal or otherwise feloniously annex this document himself; but he knew that this was a confidential document, and he knew that a document of that kind should not have been communicated to him, and I therefore do not think the conduct of a man who accepts anything of that kind is on a much higher level than that of the sneak who communicated the report knowing

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any rate, I do not think the man concerned in regard to the flouting of the Standing Orders, that is entitled to high eulogies for his honour- this is what he states in his memorandum able share in that transaction. The member before us :- for Wellington Suburbs said that this was a first offence, and that possibly it was a case for against the wishes of the House or the Comm- probation. Well, while I should have agreed mittee that the report was made." entirely with the member for Wellington Suburbs if the journalist made the same accuse Mr. Cohen of something like dis- amends that any accused before a Court makes genuousness in making that statement. Of before any Judge will grant probation-he course, it was not with a view of transgressing the rules or flouting the House, but he did it must, at any rate, show genuine regret for what he has done; but there is not a single with the knowledge that his action was a trans- . expression of apology in the whole of that gression of the wishes of the House, and in elaborate communication from Mr. Cohen. In violation of the. Standing Orders. That is a very different matter. But there is no indica- the last paragraph there is certainly the word " regret " used, but if members will look at it tion here or in his evidence that he did not they will see that no full apology is conveyed by know perfectly well that he was doing an act that word in that part of the letter. The mem- which was against the Standing Orders in mak- her for Wairarapa, with his natural jealousy for ing public this evidence. Yet I am sorry to the interests of the profession with which he say that he does not put the matter as clear as I could have wished in his evidence. Question is connected, objected to the imputation of sordid motives to the reporter and the newspaper 387 is as follows :- concerned. While I do not think there is any aware that it was a breach of the privileges of necessity whatsoever to impute a sordid motive Parliament ?- I admit that it was a technical in the sense of supposing that the information breach of the privileges of Parliament, but I was estimated to be worth so much in money, understood it was the object of the Committee as a journalist the reporter said, " This is good to obtain the fullest information with regard to copy ; let us have it in." That is no doubt what he said. Mr. Cohen, I think, describes the dredging industry of the Otago District, his o \n explanation as "frank "; but I am not and that object would largely influence the sure whether he said that himself or left it to publication." one of his eulogists to say it. "Eulogist " precise terms that he knew it was a breach of means one of those supporters of the motion for a censure

on Mr. Cohen. He professes, at the Standing Orders, but we may take it as an any rate, to give a frank description of his indication, and believe that the mitigation was that it was only a technical breach. I do not motives in publishing this report. If he had know what other kind of breach of the Stand- been frank I think he would have said, "I ing Orders there can be than a technical breach know that is good copy, and I published it." of what is a technical rule for the protection of What did he say ? He said it was simply in the public interests he did it, to strengthen the the House. Now, to come to Mr. Cohen's ex- hands of Parliament, and to assist the Com- pression of regret :- mittee in the inquiry they were undertaking. through the medium of my paper, to assist in His words were,- " Nothing, in my judgment, could aid them so the prosecution of a searching inquiry into a matter of the greatest concern to the mining completely in prosecuting their investigations industry of Otago has led me to commit a as the publishing of the evidence, for thereby breach of privilege." the public knew what were the subjects being inquired into and what were being omitted, and Right Hon. the Premier asked us to accept, what evidence, therefore, remained to be sup- as amounting to an expression of regret and plied to the Committee in order that they might apology on the part of Mr. Cohen which have the whole facts before them before making should disarm us from taking further proceed- their report to your honourable House." ings in asserting the dignities of this House. Now, surely Mr. Cohen is professing a little Now, if I had been the draftsman or adviser of too much. Surely he is professing too high a Mr. Cohen, instead of the Right Hon. the Premier, degree of virtue for a man who should come I should have said, " If you want to be straight- here somewhat in the attitude of a penitent- forward, you should have put it this way : surely he is asserting more than he is entitled to assert-more than his best friend in the ' I regret that my anxiety to supply my paper with good copy has led me knowingly and House will say he is entitled to assert-when deliberately to break your Standing Order ; but he says he simply did it in the interests of full if you will repeal your Standing Order I shall inquiry, and to strengthen the hands of the not need to repeat the offence.'" I ask honour- Committee. Then, he says, -- able gentlemen, taking the memorandum right " It was simply with the desire of enlarging through, whether there is any exaggeration in the scope of the Committee's investigations, what I say. Two-thirds or three-quarters of and thereby of assisting your House and one the memorandum contain a lecture to the of its Committees, that I published the evi- House concerning the absurdity of our Standing dence.' And that statement, again, cannot be taken ! Orders, and a regret comes in at the end which "It was not with any view of transgression Now, I must say I think I am entitled to "In receiving this information you were Now, he does not expressly admit there in "I regret that my bona fide endeavour, Now, that is the expression of regret that the

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is tantamount to what I say. Honourable members will note what I have referred to already in dealing with his evidence, but I have not referred to it in connection with the memorandum : there is no expression, either in Mr. Cohen's evidence or in his memorandum, that he did not know precisely that he was committing a breach of the Standing Orders when he sent this report along ; that he did not . know precisely that he was committing a breach of the privileges of this House. There is no suggestion of it in the memorandum nor in the evidence. And yet, surely, when he comes here and throws himself on the mercy and leniency of the House, he should at least be able to put himself in such a position, or at least to say, " I took the risk, but I won't do it again." There is no suggestion in the memorandum that he will not do it again ; he is not so silly as to make such a profession ; he knows by this time that he would be a great fool if he tied himself up by any pledges to a House that holds its dignity so cheap as it is manifest this House does. An American moralist says the worst thing about repentance is that you may not do it again. Mr. Cohen's repentance is not of this embarrassing character. He sort of repents by proxy ; he asks the House to repent for him ; he says, "You repent of your Standing Order and repeal it, in order that there shall be plain sailing for me and other Press correspondents." He goes so far as to say that he is

satisfied that he obtained his information in the present case in an honour- able manner, but he says the effect of our Standing Order is that "members of the Press Gallery have to accept information in a manner not altogether to their liking." It will be entirely to his liking if we repeal the Standing Order! Instead of repenting he is here to preach repentance on the part of the House, #cc-zero and his regret is simply that the Standing Order, as it at present stands, puts a journalist to that inconvenience that it compels him to break it in order to supply his paper with desirable copy. I should not go so far, in spite of what I have said, as the honour- able member for Wellington City (Mr. Fisher) in what he said as to the contemptuous nature of the memorandum. Of course, Mr. Fisher is a junior member, and can afford to indulge in more unmeasured language than I can. But I do not suppose for a moment that Mr. Cohen intended to tloat the House in the memorandum. But I do say there is an amount of superfluous and tactless matter which aggravates the offence in the memorandum he has submitted. There is an impertinent lecture-impertinent in the true sense of the word in that it is out of place- in what should be a letter of apology, a lecture on the Standing Orders, and no sign of penitence whatever. He should send a letter of apology ; he sends us a lecture instead, and what are we to do ? The Premier moves practically that we shall pass a vote of thanks to Mr. Cohen, of the Star, on account of the breach of privilege he has committed, and the publication, as explained in the memorandum he has favoured us with- that is the only motion before us now. And I Mr. Atkinson say we shall be simply holding the dignity of the House up to contempt and ridicule if this be done. Let us give a straight-out vote of thanks to Mr. Cohen, and let all the Standing Orders be reduced to waste paper rather than have the half- and-half motion the Premier asks us to accept. Mr. McNAB (Mataura) .- I think that the last gentleman who spoke might have done a good deal had he set himself out to reduce the amount of bitterness imported into this debate. and I regret that he did not take the opportunity of doing so. I have listened carefully, and I can but think that the wording of the resolution first brought down before the House was unfortu- nate. I believe that if that resolution had con- tained any proposal to impose a fine of even £10 the House would have passed it, and we should have been done with this business. I am not going to blame any person, for I think there has been too much of that sort of thing already. Let us discuss the question in a fair and im- partial manner. In trying to ascertain where J mistake has been committed, we should, in the main, go back to the action of the Privilege- Committee. There is no one in whose hands the Committee could have been better left than in the hands of the Chairman, but I think the Committee took the wrong course in bringing down the motion they did. When we asked the Committee to bring down evidence with regard to this question, I do not for a moment suppose that any honourable member thought that the Committee would go so far as to ask any person to disclose secrets. I do not think that the House thought that the Com- mittee would report any person who refused to disclose evidence that no honourable member could himself disclose. When it was found that the reporter declined to give the source of his information, the Committee ought to have taken a different course from the one it took. An Hon. MEMBER .-- What course would you suggest ? Mr. McNAB -I will tell the honourable member. A question similar to this cropped up in 1898, when the House referred to a special Committee the matter of increasing the steam- ship communication between this port and Lyttelton. One of the witnesses on the: occasion was Mr. James Mills, and in order to get information to report to the House as to the possibility of the Government establishu.s steamship communication between those two ports, we considered it our duty to ask a quas- tion as to the number of passengers traw donny on the Union Company's vessels betwe, r. Lyttelton and Wellington. The questions put to Mr. Mills were as follows :- " ! he Chairman.] Can you tell us the num- ber of passengers carried during the war le- tween Wellington and Lyttelton by all your boats, including the intercolonial? - I can, and am glad to give the Committee all the in- formation I am able to do. but I prefer it should not be published. "Of course, we do not want to publish, as it were, trade secrets; we do not want to show your hands to possible competitors : but we want to know for our own guidance ?--

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shall be pleased to give the Committee all information, but do not care to its being published." Then, at the request of the Chairman, Mr. Mills withdrew while the question was being discussed. " [ Mr. Mills was at this stage requested to retire while the Committee discussed the matter. The Committee agreed not to press questions of this nature, which concerned the private affairs of the company.] " I remember well the discussion that took place on that occasion, and the outcome of it. Afterwards, when Mr. Mills returned, he was informed of the decision the Committee had arrived at ; he was also informed that the Committee would not press any question that had been asked. He subsequently went on with his evidence ; other points arose, and Mr. Mills freely gave us the evidence which he had previously been asked to give. If the Committee of Privileges had taken a course similar to that taken by the Committee I have just referred to, this present trouble would have probably been avoided. Mr. Mills practically declined to give the evidence to the Committee unless they agreed not to use it. But, of course, the House would have said that unless they were able to make use of it, the information would have been of very little value. If this Committee had adopted that course, and had reported to the House that Mr. Albert Cohen, who was the reporter of the Dunedin Evening Star, had declined to give evidence to the Committee, and that the Committee, thinking that he was justified from his position in taking up that attitude, had simply recorded the fact in their report, then, I say, that the Privileges Committee would have done all that the House and all that the country or any person else would have considered it their duty to do, and this question could have been decided by the House. I believe the House would have taken no action, and would have considered he was right in the action he took. As I say, the House on the refusal question would have done nothing. They might have called the reporter of the Dunedin Evening Star, along with the publisher of the Dunedin Evening Star, to the bar of the House in order to give evidence on the other question, however. But I do not think the question of the refusal to give evidence would have been gone into at all. Therefore I think the honourable member was not happy in the direction he gave to the Committee to report this question to the House. The precedents which we have followed in regard to our action in this matter has given rise to considerable discussion, and I was one of those who, when it was decided to adopt the procedure we did adopt, defended the action of the setting up of the Committee. I want, however, to point out to the leader of the House that he has been completely mistaken in one of the instances he quoted to the House, and no doubt he was misled by the remarkably erroneous article that appeared in the New Zealand Times of yesterday. The honourable member for Wellington City (Mr. Fisher) referred to it, but he did not point out in what direction the error lay. It is a remarkable thing that almost every statement contained in that article is entirely opposite to what took place in the House of Commons in England. For instance, I will read the latter part of the article which refers to it :- " But later, when the question of sending a summons to the printers came up, Mr. Disraeli vigorously protested against bringing to the bar of the House honest and innocent people who were exercising a function that was beneficial to the public, and he moved that it was inexpedient to proceed further in the matter, and that the order previously made should be now discharged. This was carried by 231 to 166, and the matter was heard of no more." Now, that was not Mr. Disraeli's motion. It was not the motion here stated. That was an amendment on Mr. Disraeli's motion which was not carried, but which was lost by the figures that are referred to there as having carried it- 231 to 166. It was an amendment moved by Sir William Harcourt. There had been a motion moved by a Mr. Lewis, and after he had moved his motion the leader of the House then moved the amendment which I shall read to the Committee. On that amendment another amendment was moved by Sir William Harcourt. The amendment to the motion by Mr. Disraeli was carried, and the amendment of Sir William Harcourt on that first amendment was lost. And then the motion as amended was put and carried on the voices. Mr. HORNSBY .- That is as clear as mud ! Mr. McNAB .- If the Opposition would kindly leave me to explain this point, I would be obliged. I want to ask



Mr. Atkinson, Who is delivering this speech : is it himself or is it the member for Mataura ? But the motion as carried was not the motion as referred to by the Premier, which he imagined was carried through reading this article. The motion which was finally carried was as follows :-- " Main question, as amended, put and agreed to. " Ordered that, It being stated in the Times and Daily News newspapers of the 9th instant, referred to in the order of the House of the 13th instant, that a letter professing to be written by M. Victor Hersan, Honduras Minister in Paris, and addresssd to the Right Hon. Robert Lowe, Chairman of the Committee on Foreign Loans, was read and made part of the proceedings be- fore the Select Committee on Foreign Loans on the 8th instant, that it be referred to the said Committee to report to the House whether such letter was produced and read before the said Committee, and under what circumstances, and whether any copy of the said letter was com- municated by or on behalf of the said Com- mittee to the said newspapers, or either of them." That was the position the House took up; and after it took that position it had to deal with a question on the Order Paper, and move that it be discharged. The reason they came to carry that motion was that the Times and

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the Daily News had published a full report of the proceedings of this Committee of the 8th April, 1875. They had published it in their issue of the 9th April, and in the proceedings of that Committee those two papers, out of all the papers that reported the proceedings, published in extenso the letters that had been read. On the 13th April a motion was brought up in the House that the publication of those letters, and the publication of the proceedings of the Com- mittee, was a breach of the privileges of the House, and the House hastily decided that it was a breach of privilege; but during the debate it was pointed out by Sir William Harcourt that this Committee was a public Committee, that the reporters were all present, and that it might be well to ascertain whether they had been instructed to publish it or not. The House carried the resolution that it was a breach of privilege, and a day-the 16th April -was set apart for the publishers of those two papers to attend at the bar of the House. On that day they appeared at the bar of the House, and when Mr. Lewis, a member, moved that they be called, the leader of the House had in the meantime ascertained all these facts in regard to the Committee-namely, that it was a public Committee, and that the reporters were present and had authority to publish. The consequence was the resolution I have read to you-to refer the question to the Committee for the information sought. The Committee was asked to report, and it brought down the following report to the House on the 19th April. I quote from the latter end of the re- port :- " This letter was orally translated into Eng- lish by Mr. Kirkman Hodgson, a member of the Committee, in presence of the public. After the letter had been thus publicly read, the reporters of the Times and Daily News applied to the Chairman, in writing, to be allowed to see the original letter in order to correct their report The Chairman, acting on behalf of the Committee, gave directions that the reporters should see the letter in the Committee-room, but should not take it away. No similar application was made by the reporters of any other newspaper. The reporters were allowed to see the letter because, if published, it was better it should appear in a correct form. As the letter of M. Hersan was in substance a denial of the very serious charges contained in the evidence of Captain Pim, reported above, your Committee are of opinion that it would have been unjust to the Minister of Honduras in Paris to have suppressed his denial of the charges so brought against him, and thus lead to the inference that they were not capable of contradiction." That showed that the leader of the Imperial House had been justified in the action he had taken. When they referred it to the Com- mittee they found there was no breach of privi- lege at all. That is the point, and that is where I say the Right Hon. the Premier is wrong in drawing a parallel between that case and the one we have before us. If it had been found in our case that the Committee had passed a resolution that the evidence be pub- Mr. McNab lished, and the Star had published it, then you would have an absolute parallel. - Mr. SEDDON .-- I still assert Mr. Disraeli's motion was to strike out the order. Mr. McNAB. - Exactly ; the honourable gentleman there is quite correct, but if

you state it in that way you do not convey to any one else the correct position of matters. The only reason it was struck off the orders of the day was that the subject had been dealt with in another way. Mr.

DEPUTY-SPEAKER .- As the hour has arrived for the House to adjourn, I have to interrupt the honourable gentleman. He will have the opportunity of explaining matters more fully at half-past two to-morrow. Debate interrupted. The House adjourned at half-past ten o'clock p.m. #