

SESSION I.  
1912.  
NEW ZEALAND.

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## PRIVILEGE COMMITTEES Nos. 1, 2, AND 3

(REPORTS OF THE) ON ALLEGATIONS AGAINST THE MEMBER FOR GREY LYNN (MR. PAYNE), THE MEMBER FOR NAPIER (MR. VIGOR BROWN), AND THE RIGHT HON. THE PRIME MINISTER (SIR J. G. WARD, BART.), AND ONE CHARLES McMASTER, OF AUCKLAND; TOGETHER WITH MINUTES OF PROCEEDINGS AND EVIDENCE.

*Reports brought up on Thursday, the 29th February, 1912, and ordered to be printed.*

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### ORDERS OF REFERENCE.

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#### PRIVILEGE COMMITTEE No. 1.

*Extract from the Journals of the House of Representatives.*

FRIDAY, THE 23RD DAY OF FEBRUARY, 1912.

*Ordered*, "That a Committee of Privilege be appointed to take into full consideration the writing and publishing of a letter, admitted to be written to and received by the honourable member for Franklin, an extract from which letter was to-day read in the House by the honourable member, and a copy of which extract is as follows: 'You may remember my introducing you to young —, son of —, one of my young Catholic party who do not follow Ward. He worked hard and loyally for us in Parnell, Ponsonby, and especially in Grey Lynn. He now assures me that Payne has been squared (£1,000) to support Ward on a confidence motion. So sure is he of the correctness of the information that his dad is offering level money up to £100 on Payne voting against you on such motion, and — does not waste any money on bets without some reason.' That, as the writing and publishing of the said extract has been declared by the House to be a breach of its privileges, the writing and publishing of such letter and such extract, also the question of the truth or otherwise of the charge or charges alleged in such extract or letter, be referred to the following Committee to inquire into, and to report their proceedings with their opinions thereon to the House; the Committee to have power to call for persons, papers, and records, and to report within three days; the Committee to consist of Mr. Allen, Mr. Fraser, Mr. Hanan, Mr. Lee, Hon. Mr. Millar, Mr. Nosworthy, Mr. Reed, Mr. Robertson, Mr. Russell, Mr. G. M. Thomson, and Mr. Veitch: seven to form a quorum."—(Right Hon. Sir J. G. WARD.)

#### PRIVILEGE COMMITTEE No. 2.

*Extract from the Journals of the House of Representatives.*

FRIDAY, THE 23RD DAY OF FEBRUARY, 1912.

*Ordered*, "That the following words used in debate in the House on the 23rd day of February, 1912, by the member for Franklin—'Then he said something about whether he was supposed to have been squared, and I said, "What was stated in Auckland at the present moment was this: that he had been squared by Mr. Vigor Brown and Sir Joseph Ward at Napier." Now, that was the statement that was made quite openly in Auckland. I think Mr. Payne had begun to see the serious position he proposed to take up, and he said, "Just let me think this over"'—and the portion of the letter read by Mr. Massey in debate, and ordered to lie on the table, of which the following is a copy: 'You may remember my introducing you to young —, son of —, one of my young Catholic party who do not follow Ward. He worked hard and loyally for us in Parnell, Ponsonby, and especially in Grey Lynn. He now assures me that Payne has been squared (£1,000) to support Ward on a confidence motion. So sure is he of the correctness of the information that his dad is offering level money up to £100 on Payne voting against you on such motion, and — does not waste any money on bets without some reason'—be referred to a Committee of Privilege to take such words into consideration, and to report to the House whether a breach of privilege has been committed, and by whom, and to inquire as to the truth or otherwise of the alleged charge made against the member for Napier and the Right Hon. the Prime Minister; the Committee to have power to call for persons, papers, and records, and to report within three days; seven to be a quorum: the Committee to consist of Mr. Allen, Mr. Fraser, Mr. Hanan, Mr. Lee, Hon. Mr. Millar, Mr. Nosworthy, Mr. Reed, Mr. Robertson, Mr. Russell, Mr. G. M. Thomson, and Mr. Veitch."—(Mr. BROWN.)

#### PRIVILEGE COMMITTEE No. 3.

*Extract from the Journals of the House of Representatives.*

FRIDAY, THE 23RD DAY OF FEBRUARY, 1912.

*Ordered*, "That the statement made this day by Mr. John Payne, member for Grey Lynn, to the effect that one McMaster, of Auckland, had been authorized to give the member for Grey Lynn anything between £500 and £1,000 if he, the member for Grey Lynn, would go in the direction of the Ward party, having been declared by the House to be a breach of its privileges, a Committee of Privilege be appointed to take such statement into consideration, to inquire into the truth or otherwise of the alleged charge, and report to the House its opinion thereon; the Committee to have power to call for persons, papers, and records; seven to be a quorum; the Committee to report within three days: the Committee to consist of Mr. Allen, Mr. Fraser, Mr. Hanan, Mr. Lee, Hon. Mr. Millar, Mr. Nosworthy, Mr. Reed, Mr. Robertson, Mr. Russell, Mr. G. M. Thomson, and Mr. Veitch."—(Right Hon. Sir J. G. WARD.)

## REPORTS.

### PRIVILEGE COMMITTEE No. 1.

I AM directed to report,—

That Privilege Committee No. 1, to whom was referred the consideration of the writing and publishing of a letter, admitted to be written to and received by the honourable member for Franklin, an extract from which letter was read in the House on Friday, the 23rd day of February, by the said honourable member, and a copy of which extract is as follows: "You may remember my introducing you to young —, son of —, one of my young Catholic party who do not follow Ward. He worked hard and loyally for us in Parnell, Ponsonby, and especially in Grey Lynn. He now assures me that Payne has been squared (£1,000) to support Ward on a confidence motion. So sure is he of the correctness of the information that his dad is offering level money up to £100 on Payne voting against you on such motion, and — does not waste any money on bets without some reason,"—is unable to inquire further into the matters contained in the order of reference, by reason of the fact that Mr. Massey, having been asked to produce the letter referred to and to give the name of the writer, respectfully declined to produce the letter or disclose the name of the writer.

29th February, 1912.

J. A. HANAN, Chairman.

### PRIVILEGE COMMITTEE No. 2.

I AM directed to report,—

That Privilege Committee No. 2, to whom was referred certain words used by, and the extract of a letter read by, Mr. Massey in the House on the 23rd February, to take such words into consideration and to report to the House whether a breach of privilege has been committed, and by whom, and to inquire as to the truth or otherwise of the alleged charge against the member for Napier and the Right Hon. the Prime Minister, is of opinion that the use of the words in debate in the House on the 23rd day of February, 1912, by the member for Frankin—namely, "Then he said something about whether he was supposed to have been squared, and I said, 'What was stated in Auckland at the present moment was this: that he had been squared by Mr. Vigor Brown and Sir Joseph Ward at Napier.' Now, that was the statement that was made quite openly in Auckland. I think Mr. Payne had begun to see the serious position he proposed to take up, and he said, 'Just let me think this over'"—does not constitute a breach of privilege.

Also, that the Committee, after hearing the evidence, is satisfied that there is no truth in the alleged charge in paragraph 1 of the order of reference—namely, "Then he said something about whether he was supposed to have been squared, and I said, 'What was stated in Auckland at the present moment was this: that he had been squared by Mr. Vigor Brown and Sir Joseph Ward at Napier.' Now, that was the statement that was made quite openly in Auckland. I think Mr. Payne had begun to see the serious position he proposed to take up, and he said, 'Just let me think this over'"—made against the member for Napier (Mr. Brown), the Right Hon. the Prime Minister (Right Hon. Sir J. G. Ward, Bart.), and the member for Grey Lynn (Mr. Payne).

Also, that paragraph 2 of the order of reference—namely, "You may remember my introducing you to young —, son of —, one of my young Catholic party who do not follow Ward. He worked hard and loyally for us in Parnell, Ponsonby, and especially in Grey Lynn. He now assures me that Payne has been squared (£1,000) to support Ward on a confidence motion. So sure is he of the correctness of the information that his dad is offering level money up to £100 on Payne voting against you on such motion, and — does not waste any money on bets without some reason"—is dealt with in the report of Privilege Committee No. 1.

29th February, 1912.

J. A. HANAN, Chairman.

### PRIVILEGE COMMITTEE No. 3.

I AM directed to report,—

That the Privilege Committee No. 3, to whom was referred the statement made by the member for Grey Lynn, Mr. Payne, in the House on Friday, the 23rd day of February, 1912, to the effect that one McMaster, of Auckland, had been authorized to give the member for Grey Lynn anything between £500 and £1,000 if he, the member for Grey Lynn, would go in the direction of the Ward party, to inquire into the truth or otherwise of such charge alleged therein, is of opinion:—

That the evidence taken on oath as to the words used is conflicting.

Mr. Payne says the words used were, "What do you think? I have been authorized to offer you £500 to £1,000, if you will go"—I think that was the word—"with the Ward Administration."

Mr. McMaster denies the use of the above words, and says the words used were, "That I (McMaster) could get £500 if I could handle you (Payne)."

There being no further evidence on that point, the Committee is unable to say what the exact words used were.

The evidence leads the Committee to conclude that whatever statement was made was not taken seriously by either Mr. Payne or by Mr. McMaster at the time it was made.

29th February, 1912.

J. A. HANAN, Chairman.

## MINUTES OF PROCEEDINGS.

### PRIVILEGE COMMITTEE No. 1.

SATURDAY, 24TH FEBRUARY, 1912.

The Committee met pursuant to notice at 11 a.m.

Present: Mr. Allen, Mr. Fraser, Mr. Hanan, Mr. Lee, Hon. Mr. Millar, Mr. Nosworthy, Mr. Reed, Mr. Robertson, Mr. Russell, Mr. G. M. Thomson.

The order of reference setting up the Committee was read by the Clerk.

On the motion of Mr. Lee, seconded by the Hon. Mr. Millar, it was resolved that Mr. Hanan be elected Chairman.

Mr. Hanan then took the chair, and returned thanks for his election.

On the motion of the Hon. Mr. Millar it was resolved that all witnesses be examined on oath, and that the evidence and proceedings be taken down in shorthand; that the strictest confidence as to the business before the Committee be observed, and that the Press be not admitted during the sittings of the Committee.

Mr. Massey, M.P., at this stage entered the room and informed the Committee that he had telegraphed for the writer of the letter to him to come down to Wellington, and that until his arrival he (Mr. Massey) could do nothing further.

Mr. Payne, M.P., then came into the room and informed the Committee he would like the persons named in the letter to be called, and also that the letter signed by Maurice O'Connor, of the Thistle Hotel, and written on blue paper, should be produced.

On the motion of the Hon. Mr. Millar, seconded by Mr. Allen, it was resolved that Charles McMaster, merchant, of Richmond, Auckland, should be summoned to attend before the Committee.

The Committee then adjourned until 10.30 a.m. on Tuesday next, 27th February.

### TUESDAY, 27TH FEBRUARY, 1912

The Committee met pursuant to notice at 10.30 a.m.

Present: Mr. Hanan (Chairman), Mr. Allen, Mr. Fraser, Mr. Lee, Hon. Mr. Millar, Mr. Nosworthy, Mr. Reed, Mr. Robertson, Mr. Russell, Mr. G. M. Thomson, Mr. Veitch.

The minutes of the previous meeting were read and confirmed.

On the motion of the Hon. Mr. Millar, seconded by Mr. Veitch, it was resolved that the resolution in the minutes of the previous meeting with reference to the admission of the Press be rescinded, and that the Press be admitted at future meetings during the taking of evidence.

On the motion of Mr. Thomson, it was resolved that any party desiring to be represented by counsel be allowed such representation.

Mr. Lee moved that the Committee do now adjourn until 10.30 a.m. on Wednesday, 28th February.

The Hon. Mr. Millar moved, as an amendment, to strike out the words "10.30 a.m. on Wednesday, 28th February," and to insert in lieu thereof the following words: "3 p.m. to day (Tuesday), provided the House adjourns."

And on the question being put on the amendment, the Committee divided, and the names were taken down as follow:—

Ayes, 3: Hon. Mr. Millar, Mr. Reed, Mr. Russell.

Noes, 7: Mr. Allen, Mr. Fraser, Mr. Lee, Mr. Nosworthy, Mr. Robertson, Mr. G. M. Thomson, Mr. Veitch.

So it passed in the negative.

And on the original motion being put it was resolved in the affirmative.

The Committee thereupon adjourned until 10.30 a.m. on Wednesday, 28th February.

### WEDNESDAY, 28TH FEBRUARY, 1912.

The Committee met pursuant to notice at 10.30 a.m.

Present: Mr. Hanan (Chairman), Mr. Allen, Mr. Fraser, Mr. Lee, Hon. Mr. Millar, Mr. Nosworthy, Mr. Reed, Mr. Robertson, Mr. Russell, Mr. G. M. Thomson, Mr. Veitch.

The minutes of the previous meeting were read and confirmed.

Mr. Myers appeared on behalf of Mr. Massey, M.P., and Mr. Skerrett, K.C., on behalf of Mr. Payne, M.P.

On the motion of Mr. Allen, seconded by Mr. Fraser, it was resolved that, in order to enable the Committee to inquire into the writing and publishing of the letter and further the truth or otherwise of the extract read by Mr. Massey in the House, Mr. Massey be asked to produce the letter referred to.

Mr. Massey, M.P., through his counsel, respectfully declined to produce the letter.

Resolved, on the motion of Mr. Allen, that, Mr. Massey having been asked to produce the letter referred to and to give the name of the writer, and having respectfully declined to produce the letter or name the writer, the Committee is unable to inquire further into the matters contained in the order of reference.

The Committee then adjourned.

THURSDAY, 29TH FEBRUARY, 1912.

The Committee met pursuant to notice at 10.30 a.m.

Present: Mr. Hanan (Chairman), Mr. Allen, Mr. Fraser, Mr. Lee, Hon. Mr. Millar, Mr. Nosworthy, Mr. Reed, Mr. Robertson, Mr. Russell, Mr. G. M. Thomson, Mr. Veitch.

The minutes of the previous meeting were read and confirmed.

On the motion of Mr. Russell it was resolved that the Committee approves of the draft report as submitted, and adopts it.

On the motion of Mr. Russell it was resolved that the Chairman be authorized to sign these minutes.

On the motion of the Hon. Mr. Millar it was resolved that a hearty vote of thanks be passed to the Chairman (Mr. J. A. Hanan) for the able and impartial manner in which he discharged his duties as Chairman of the Committee.

The Committee then adjourned.

PRIVILEGE COMMITTEE No. 2.

SATURDAY, 24TH FEBRUARY, 1912.

The Committee met pursuant to notice at 11.30 a.m.

Present: Mr. Allen, Mr. Fraser, Mr. Hanan, Mr. Lee, Hon. Mr. Millar, Mr. Nosworthy, Mr. Reed, Mr. Robertson, Mr. Russell, Mr. G. M. Thomson.

The order of reference setting up the Committee was read by the Clerk.

On the motion of Mr. Lee, seconded by the Hon. Mr. Millar, Mr. Hanan was unanimously elected Chairman.

Mr. Hanan then took the chair, and returned thanks for his election.

On the motion of the Hon. Mr. Millar it was resolved that all witnesses be examined on oath, and that the evidence and proceedings be taken down in shorthand; that the strictest confidence as to the business of the Committee be observed, and that the Press be not admitted during the sittings of the Committee.

On the motion of Mr. Fraser it was resolved that further consideration of this question be postponed until Monday next.

On the motion of Mr. Russell it was resolved that a sub-committee be appointed, consisting of the Chairman, Mr. Lee, and Mr. Reed, to consult authorities on the question of privilege.

On the motion of Mr. Allen the Committee then adjourned until 4.30 p.m. on Monday, 26th February.

MONDAY, 26TH FEBRUARY, 1912.

The Committee met pursuant to notice at 4.30 p.m.

Present: Mr. Hanan (Chairman), Mr. Allen, Mr. Fraser, Mr. Lee, Hon. Mr. Millar, Mr. Nosworthy, Mr. Reed, Mr. Robertson, Mr. Russell, Mr. G. M. Thomson, Mr. Veitch.

The minutes of the previous meeting were read and confirmed.

On the motion of the Hon. Mr. Millar it was resolved that the resolution in the minutes of the previous meeting with reference to the admission of the Press be rescinded, and that the Press be admitted at future meetings during the taking of evidence.

On the motion of Mr. Nosworthy it was resolved that the sub-committee, consisting of the Chairman, Mr. Lee, and Mr. Reed, wait upon Mr. Speaker with a view of obtaining his opinion on the subject of the alleged breach of privilege mentioned in the order of reference.

Resolved, on the motion of Mr. Lee, that the Committee inquire into the question of the truth or otherwise of the alleged charge made against the member for Napier and the Right Hon. the Prime Minister.

On the motion of Mr. Russell it was resolved that at the next meeting of the Committee any evidence offering be taken first, and that the question of privilege be discussed after the evidence has been taken; that the witnesses be notified, and also Messrs. Massey, Payne, and Brown, and the Right Hon. the Prime Minister.

On the motion of Mr. Lee it was resolved that any party desiring to be represented by counsel be allowed such representation.

The Committee then adjourned until 10.30 a.m. on Tuesday, 27th February.

TUESDAY, 27TH FEBRUARY, 1912.

The Committee met pursuant to notice at 10.30 a.m.

Present: Mr. Hanan (Chairman), Mr. Allen, Mr. Fraser, Mr. Lee, Hon. Mr. Millar, Mr. Nosworthy, Mr. Reed, Mr. Robertson, Mr. Russell, Mr. G. M. Thomson, Mr. Veitch.

The minutes of the previous meeting were read and confirmed.

On the motion of Mr. Allen it was resolved that the Committee do now consider order of reference No. 2.

The Chairman reported the result of the sub-committee's interview with Mr. Speaker on the question of breach of privilege.

On the motion of Mr. Allen it was resolved that consideration of paragraph 1 of the order of reference be postponed until the sub-committee's further report is submitted as to whether a breach of privilege has been committed.

On the motion of Mr. Reed it was resolved that the Committee do now inquire into the truth or otherwise of paragraph 1.

Mr. Myers appeared on behalf of Mr. Massey, and Mr. Skerrett, K.C., on behalf of Mr. Payne.

The following witnesses were examined on oath: Messrs. Massey, Payne, the Right Hon. Sir J. G. Ward, and Mr. Brown.

And then, the question having arisen as to the authorship of the letter to Mr. Massey and the statement, a debate arose.

Resolved that the following question proposed by Mr. Reed—viz., "By whom were these statements in Auckland made to him?"—be not put to Mr. Massey.

On the motion of Mr. Thomson the Committee then adjourned until 10.30 a.m. on Wednesday, 28th February.

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WEDNESDAY, 28TH FEBRUARY, 1912.

The Committee met pursuant to notice at 10.30 a.m.

Present: Mr. Hanan (Chairman), Mr. Allen, Mr. Fraser, Mr. Lee, Hon. Mr. Millar, Mr. Nosworthy, Mr. Reed, Mr. Robertson, Mr. Russell, Mr. G. M. Thomson, Mr. Veitch.

The minutes of the previous meeting were read and confirmed.

On the motion of Mr. Reed it was resolved that this Committee, after hearing the evidence, is satisfied that there is no truth in the alleged charge in paragraph 1 of the order of reference made against the member for Napier, the Right Hon. the Prime Minister, and the member for Grey Lynn.

On the motion of Mr. Lee it was resolved that the Committee is of opinion that the use of the words in debate in the House on the 23rd February, 1912, by the member for Franklin—viz., "Then he said something about whether he was supposed to have been squared, and I said, 'What was stated in Auckland at the present moment was this, that he had been squared by Mr. Vigor Brown and Sir Joseph Ward at Napier.' Now, that was the statement that was made quite openly in Auckland. I think Mr. Payne had begun to see the serious position he proposed to take up, and he said, 'Just let me think this over.'"—does not constitute a breach of privilege.

On the motion of Mr. Russell it was resolved that the Committee reports that paragraph 2 is dealt with in the report of No. 1 Committee.

The Committee then adjourned.

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THURSDAY, 29TH FEBRUARY, 1912.

The Committee met pursuant to notice at 10.30 a.m.

Present: Mr. Hanan (Chairman), Mr. Allen, Mr. Fraser, Mr. Lee, Hon. Mr. Millar, Mr. Nosworthy, Mr. Reed, Mr. Robertson, Mr. Russell, Mr. G. M. Thomson, Mr. Veitch.

The minutes of the previous meeting were read and confirmed.

On the motion of Mr. Thomson it was resolved that the Committee approves of the draft report as submitted, and adopts it.

On the motion of Mr. Russell it was resolved that the Chairman be authorized to sign these minutes.

On the motion of the Hon. Mr. Millar it was resolved that a hearty vote of thanks be passed to the Chairman (Mr. J. A. Hanan) for the able and impartial manner in which he discharged his duties as Chairman of the Committee.

The Committee then adjourned.

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PRIVILEGE COMMITTEE No. 3.

SATURDAY, 24TH FEBRUARY, 1912.

The Committee met pursuant to notice at 12 noon.

Present: Mr. Allen, Mr. Fraser, Mr. Hanan, Mr. Lee, Hon. Mr. Millar, Mr. Nosworthy, Mr. Reed, Mr. Robertson, Mr. Russell, Mr. G. M. Thomson.

The order of reference setting up the Committee was read by the Clerk.

On the motion of Mr. Lee, seconded by the Hon. Mr. Millar, Mr. Hanan was unanimously elected Chairman.

Mr. Hanan then took the chair, and returned thanks for his election.

On the motion of the Hon. Mr. Millar it was resolved that all witnesses be examined on oath, and that the evidence and proceedings be taken down in shorthand; that the strictest confidence as to the business of the Committee be observed, and that the Press be not admitted during the sittings of the Committee.

On the motion of Mr. Fraser it was resolved to summon Mr. Charles McMaster, of Auckland, to attend before the Committee on Tuesday, the 27th February next, at 10.30 a.m., and also any witnesses he (Mr. McMaster) may desire to be called.

The Committee then adjourned until 10.30 a.m. on Tuesday next.

## TUESDAY, 27TH FEBRUARY, 1912.

The Committee met at 10.30 a.m., pursuant to notice.

Present: Mr. Hanan (Chairman), Mr. Allen, Mr. Fraser, Mr. Lee, Hon. Mr. Millar, Mr. Nosworthy, Mr. Reed, Mr. Robertson, Mr. Russell, Mr. G. M. Thomson, Mr. Veitch.

The minutes of the previous meeting were read and confirmed.

On the motion of the Hon. Mr. Millar it was resolved that the resolution in the minutes of the previous meeting with reference to the admission of the Press be rescinded, and that the Press be admitted at future meetings during the taking of evidence.

On the motion of Mr. Fraser it was resolved that any party desiring to be represented by counsel be allowed such representation.

The Committee then adjourned until 10.30 a.m. on Wednesday, 28th February.

## WEDNESDAY, 28TH FEBRUARY, 1912.

The Committee met pursuant to notice at 10.30 a.m.

Present: Mr. Hanan (Chairman), Mr. Allen, Mr. Fraser, Mr. Lee, Hon. Mr. Millar, Mr. Nosworthy, Mr. Reed, Mr. Robertson, Mr. Russell, Mr. G. M. Thomson, Mr. Veitch.

The minutes of the previous meeting were read and confirmed.

Mr. Skerrett, K.C., appeared on behalf of Mr. Payne.

Mr. T. Young appeared on behalf of Mr. McMaster.

The following witnesses were examined on oath: Mr. Payne, Mr. Charles McMaster, and Mr. Massey.

On the motion of Mr. Allen, seconded by Mr. Reed, it was resolved that the evidence as to the words used is conflicting. Mr. Payne says the words used were, "What do you think? I have been authorized to offer you from £500 to £1,000 if you will go"—I think that was the word—"with the Ward Administration." Mr. McMaster denies the use of the above words, and says the words used were, "that I (McMaster) could get £500 if I (McMaster) could handle you (Payne)." There being no further evidence on that point, the Committee is unable to say what the exact words used were. The evidence leads the Committee to conclude that whatever statement was made was not taken seriously by either Mr. Payne or by Mr. McMaster at the time it was made.

The Committee then adjourned.

## THURSDAY, 29TH FEBRUARY, 1912.

The Committee met pursuant to notice at 10.30 a.m.

Present: Mr. Hanan (Chairman), Mr. Allen, Mr. Fraser, Mr. Lee, Hon. Mr. Millar, Mr. Nosworthy, Mr. Reed, Mr. Robertson, Mr. Russell, Mr. G. M. Thomson, Mr. Veitch.

The minutes of the previous meeting were read and confirmed.

On the motion of Mr. Robertson it was resolved that the Committee approves of the draft report as submitted, and adopts it.

On the motion of Mr. Russell it was resolved that the Chairman be authorized to sign these minutes.

On the motion of the Hon. Mr. Millar it was resolved that a hearty vote of thanks be passed to the Chairman (Mr. J. A. Hanan) for the able and impartial manner in which he discharged his duties as Chairman of the Committee.

The Committee then adjourned.

## MINUTES OF EVIDENCE.

SATURDAY, 24TH FEBRUARY, 1912.

WILLIAM FERGUSON MASSEY, M.P., in attendance.

*The Chairman:* We are proceeding with the charge with reference to that extract. We want to know if you can facilitate the deliberations of the Committee by informing us what witnesses you have or what evidence you would like called in connection with this matter.

*Mr. Massey:* I can hardly do so just at present. I wired this morning to the individual who wrote the letter to me asking him to come to Wellington by to-morrow night's train—there is none before that. I asked him to reply urgently to the wire which I sent. Until he comes it is quite impossible for me to give you details of what may be necessary.

*The Chairman:* Do you think we ought to send him a summons from the Committee? He may not come for you.

*Mr. Massey:* Oh, yes, he will. There is just this difficulty: he is a man who sometimes has business at Gisborne and sometimes at the Thames, and he may, therefore, be absent from Auckland. If he is in Auckland he will come all right.

*The Chairman:* When do you think he will be here?

*Mr. Massey:* On Monday afternoon at 4 o'clock, all being well.

*The Chairman:* Have you any objection to mentioning his name?

*Mr. Massey:* Oh, yes. I do not want to mention his name till he comes. I propose to give the Committee every assistance, but you will see my difficulty: I do not want to commit the man before he arrives.

*The Chairman:* Any other witnesses?

*Mr. Massey:* There are no other witnesses required that I know of.

*Mr. Reed:* You will not know till this man comes?

*Mr. Massey:* No. I have done all that it is possible for me to do up to the present, and until I get a wire from him I cannot do any more.

*The Chairman:* Regarding the letter, are you going to take the "confidential" cover off it? Can you do that, or must you wait till you see him?

*Mr. Massey:* I must wait till I see him.

*The Chairman:* Do you wish any evidence called with regard to charge No. 2, regarding Mr. Vigor Brown?

*Mr. Massey:* Only my own, when it is required.

*The Chairman:* Can you suggest that we should call any person?

*Mr. Massey:* Not at present. There is really no more information that I can give you until this man arrives.

*Mr. Russell:* The order of reference provides that we have to inquire first of all into the writing and publishing of this letter. I understand that the only witness Mr. Massey proposes to call is the author of the letter. Can he suggest any directions in which the Committee might get evidence, either from this man or through him, as to the truth or otherwise of the charges? For example, is it not possible for the young man and his father who are referred to in the letter to be brought before the Committee?

*Mr. Massey:* I know of no reason why they should not be.

*Mr. Russell:* What I want to get at is whether we cannot go past the author of the letter and get to the man whom he alleges is the author of the statement.

*The Chairman:* Mr. Massey takes up this position: "I cannot give you any names until the cover of privacy is taken off, and I have got to see, in the meantime, the writer of the letter."

*Mr. Russell:* The point in my mind is this: this is a very important inquiry, and we do not want to be detained here. The House may complete its business on Monday or Tuesday, and we do not want to prolong the inquiry if we can anticipate the matter by getting the people here on Monday night. If Mr. Massey could suggest to his correspondent the desirability of bringing the two authorities referred to—the father and the son—with him on Monday it would expedite matters.

*Mr. Massey:* I hardly think it would be possible to fetch them, unless they are summoned by the Committee.

*Mr. Russell:* And, of course, we cannot get their names until the man arrives?

*Mr. Massey:* No.

*The Chairman:* It is to the interest of the individual who wrote the letter to bring his witnesses to support his statement.

*Mr. Allen:* The trouble is that he may not be able to, and we may have to summon them.

*Mr. Massey:* They may come at his request after he has arrived in Wellington, but I do not think it at all likely that he would be able to get them to leave Auckland without a very much stronger reason than up to the present he has been able to put forward.

*Mr. Reed:* I think Mr. Massey has put it quite clearly: he must wait until this man comes down here.

*Mr. Massey:* I may say that one of them I am not acquainted with at all; the other one I have only met once.

JOHN PAYNE, M.P., in attendance.

*The Chairman:* We have asked you to come here with a view to your stating, for the information of the Committee, what witnesses you require to be here to establish your innocence regarding this charge, and also what other evidence you would like brought before the Committee in order to have a thorough investigation of the charge.

*Mr. Payne:* That places me in a peculiar position, because I met Mr. McMaster quite alone—

*The Chairman:* We are dealing with the first charge only—that relating to the extract from the letter.

*Mr. Payne:* I was alone with Mr. Dickson and Mr. Massey on both occasions. I saw them first in Auckland, and again in an office here in the Buildings. So I have no witness.

*The Chairman:* Let me read this extract to you so that you shall thoroughly understand. It is an extract from a letter received by Mr. Massey. "You may remember my introducing you to young —, son of —, one my young Catholic party who do not follow Ward. He worked hard and loyally for us in Parnell, Ponsonby, and especially in Grey Lynn. He now assures me that Payne has been squared (£1,000) to support Ward on a confidence motion. So sure is he of the correctness of the information that his dad is offering level money up to £100 on Payne voting against you on such motion, and — does not waste any money on bets without some reason."

*Mr. Payne:* That is a letter that is supposed to have been read by Mr. Massey to me in the office here, but his reading of it yesterday in the House was the first acquaintance I had with it.

*The Chairman:* There is the charge: you know what you have got to meet. What evidence do you wish to bring? Have you any witnesses?

*Mr. Payne:* That letter is supposed to have been received by some one. That has nothing to do with me, only that it contains a charge against me. As regards the McMaster incident, there was only Mr. McMaster and I present. He temporarily took possession of Mr. O'Connor's office.

*The Chairman:* Have you any witnesses?

*Mr. Payne:* I have none at all.

*Hon. Mr. Millar:* Do you want Mr. McMaster called?

*Mr. Payne:* Oh, yes, he had better be called in reference to the offer.

*The Chairman:* You have no witness in regard to the first charge?

*Mr. Payne:* No. Well, in the original letter there will be certain persons' names mentioned, and I want those people here, because they are the people who make the charge. I want Mr. McMaster and the people named.

*Mr. Russell:* But we do not know who they are.

*Mr. Payne:* You have power to get the original document and find out.

*Mr. Russell:* We shall not know until the man who wrote the letter appears before the Committee.

*Mr. Payne:* And you cannot ascertain that man's signature?

*Hon. Mr. Millar:* We can later on.

*Mr. Payne:* When that is known I shall require the writer of the letter, the persons named in the letter, and Mr. McMaster.

*The Chairman:* The other matter—charge No. 2—is in the following statement by Mr. Massey: "Then he said something about whether he was supposed to have been squared, and I said, 'What was stated in Auckland at the present moment was this: that he had been squared by Mr. Vigor Brown and Sir Joseph Ward at Napier.' Now, that was the statement that was made quite openly in Auckland. I think Mr. Payne had begun to see the serious position he proposed to take up, and he said, 'Just let me think this over.'"

*Mr. Payne:* No, that is quite false.

*The Chairman:* But have you any evidence? What do you suggest as to witnesses?

*Mr. Payne:* Mr. Dickson and Mr. Massey were together. I have no evidence other than this.

*The Chairman:* We do not want that. All we want to know is, have you got any witnesses?

*Mr. Payne:* I cannot have, under the circumstances.

*The Chairman:* Can you suggest any witnesses we should call, either for or against you?

*Mr. Payne:* I cannot.

*The Chairman:* Any documents or letters?

*Mr. Payne:* Well, I will tell you of a letter that I want produced: Mr. McMaster's letter to Mr. Massey.

*The Chairman:* Can you give us any idea of the date of the letter?

*Mr. Payne:* I could not say what the date of the letter was, because I did not scrutinize it.

*Mr. Allen:* Did not Mr. Massey hand that to you?

*Mr. Payne:* He showed it to me, and then passed it back.

*The Chairman:* It is in Mr. Massey's possession?

*Mr. Payne:* It was then.

*The Chairman:* By whom was it signed?

*Mr. Payne:* I think, but I would not swear, that it was written by Mr. Maurice O'Connor, of the Thistle Hotel, Queen Street, Auckland, and I believe it was on Mr. Maurice O'Connor's letter-paper. I think the heading "Thistle Hotel" was printed on it.

*The Chairman:* Any other letters?

*Mr. Payne:* That is the only document I have seen—the only document that has been produced. It was a letter to Mr. McMaster, and handed by him to Mr. Massey.

*The Chairman:* Have you any suggestion of any kind to make?

*Mr. Payne:* With reference to my statement as against Mr. Massey's and Mr. Dickson's, I want to point out, as I made a point of doing in the House yesterday, that I have already shown them to be at variance with each other in their statements.



*The Chairman:* We are not going into that. This is simply a preliminary meeting, with a view to getting evidence. This is all the information you can give the Committee with regard to calling evidence on your behalf?

*Mr. Payne:* Yes.

*The Chairman:* What is Mr. McMaster's Christian name and address?

*Mr. Payne:* Charles McMaster, Merchant, Richmond, Auckland.

*The Chairman:* Was there any one there also with Mr. McMaster in that office?

*Mr. Payne:* No, he was by himself, although Mr. O'Connor was behind the bar and served us drinks at the same time.

*The Chairman:* Did he hear what took place?

*Mr. Payne:* No, no one could possibly hear. We were in a private office.

TUESDAY, 27TH FEBRUARY.

*The Chairman* (to Mr. Massey): We purpose taking No. 1 Order of Reference referred to us by the House—"That a Committee of Privilege be appointed to take into full consideration the writing and publishing of a letter, admitted to be written to and received by the honourable member for Franklin, an extract from which letter was to-day read in the House by the honourable member, and a copy of which extract is as follows: 'You may remember my introducing you to young —, son of —, one of my young Catholic party who do not follow Ward. He worked hard and loyally for us in Parnell, Ponsonby, and especially in Grey Lynn. He now assures me that Payne has been squared (£1,000) to support Ward on a confidence motion. So sure is he of the correctness of the information that his dad is offering level money up to £100 on Payne voting against you on such motion, and — does not waste any money on bets without some reason.' That, as the writing and publishing of the said extract has been declared by the House to be a breach of its privileges, the writing and publishing of such letter and such extract, also the question of the truth or otherwise of the charge or charges alleged in such extract or letter, be referred to the following Committee to inquire into and report their proceedings, with their opinions thereon, to the House." Mr. Massey, you appear by counsel?

*Mr. Massey:* Yes. I would like to explain that I only ascertained this morning—and then by chance—that counsel would be admitted. I immediately rang up Mr. Myers, and have not yet had an opportunity of instructing him. If Mr. Myers is to appear for me I think such opportunity should be given.

*The Chairman:* Do you wish an adjournment?

*Mr. M. Myers:* Of course, this matter involves a question of some importance—

*The Chairman:* You appear for Mr. Massey?

*Mr. M. Myers:* Yes; and I would like to have an opportunity of conferring with him and going very carefully into the whole matter.

*Mr. Payne:* As Mr. Massey wants to be represented by counsel. I also wish to be represented by counsel, and for a similar reason.

*The Chairman:* What adjournment do you ask for, Mr. Myers?

*Mr. M. Myers:* I suggest that Thursday morning would be a convenient time.

*The Chairman:* That is too long.

*Mr. Payne:* An hour will suit me, Mr. Hanan.

*Mr. M. Myers:* I presume the Committee does not want to put any questions to me at this stage as to the reason for which I want an adjournment for a particular time. It would be very inconvenient, and I could not say anything more than that before, say, to-morrow.

*The Chairman:* The ground on which you make your application is that you have only been instructed this morning?

*Mr. M. Myers:* You are now putting a question to me.

*The Chairman:* I think you ought to show reasonable grounds. You can hardly expect the Committee to grant an adjournment unless you show grounds.

*Mr. M. Myers:* The position is this: that, even if we did go on to-morrow morning, it is more than likely that I should have to ask for an adjournment until the evening. There is no doubt that we shall be able to go on in the evening.

*Hon. Mr. Millar:* We cannot sit in the evening.

*The Chairman:* You, Mr. Payne, want an adjournment for how long?

*Mr. Payne:* An hour would be long enough for all I have to say.

*The Chairman:* You want an adjournment for an hour in order to employ counsel?

*Mr. Payne:* Yes.

*Mr. Russell:* I would like to ask what the position will be. Immediately the House rises this Committee will cease to exist. In the present position of politics we do not know when the work of the House will be finished. It might be finished this afternoon, and what then will be the position if Parliament finishes its business and prorogues and we find ourselves unable to complete our investigations?

*The Chairman:* That is a matter for deliberation, is it not? The question is for adjournment, and the point you raise—

*Mr. Russell:* The point I wish to submit is this: I do not wish in any way to prevent Mr. Massey having the fullest opportunity to instruct his counsel, but a resolution was passed yesterday afternoon that counsel should be admitted, and it appears to me that Mr. Massey has his evidence and had the opportunity on Friday or Saturday of stating for the benefit of the Committee what witnesses he desires to call. The witnesses are here.

*Mr. M. Myers:* No.

*Mr. Russell:* We were given to understand that the principal witness would be here, and I presume he is here this morning. Under these circumstances it appears to me that it is rather an unusual thing now, when the evidence in the case—so far as we can judge—must be so simple—namely, the production of the letter, and the witness who wrote it—to ask us now to adjourn the proceedings until Thursday, or even until to-morrow. I submit that the application for adjournment at the present time is unreasonable.

*Mr. Fraser:* Mr. Russell has stated that the principal witness is here. Is he speaking with knowledge? I do not know.

*Mr. Russell:* The principal witness Mr. Massey stated he would bring down here.

*Mr. Fraser:* You said he was here.

*Mr. Russell:* I do not know. Mr. Massey confidently stated he would have him here. I only know that he said he would be here.

*Mr. M. Myers:* I understand from Mr. Russell that the inference was that he would be here. I do not know whether any resolution was passed, nor does Mr. Massey. All I know is that intimation was given to me by Mr. Massey only this morning that counsel would be permitted to be here.

*Hon. Mr. Millar:* I think great prejudice is likely to result, and the point has been raised by Mr. Russell. Mr. Massey said he would be prepared to produce his witnesses or the letter. I suggest we can complete this matter as to whether the statement is true or untrue. The writer of that letter was to be produced. Mr. Massey said he would telegraph for him, but would not give his name until he saw him.

*The Chairman:* We are really deliberating here now—it is not a question of taking evidence. Members of the Press and others are here, and I think our deliberations should be in private.

*Hon. Mr. Millar:* With all due respect, sir, it is not a question of deliberation. An adjournment has been asked for by Mr. Myers on behalf of Mr. Massey. It is not a question of deliberation, but a question for open discussion. The matter seems to me to be in a nutshell, and I think Mr. Massey can facilitate the business of the Committee by producing the letter if he is not going to produce his witness, and the Committee will know what value to place on it.

*Mr. M. Myers:* I understand Mr. Millar to say that Mr. Massey said the writer of this letter would be produced.

*Hon. Mr. Millar:* No; Mr. Massey said he could not give the name of the writer until Tuesday; he had telegraphed to him to come down. He said he expected him down on Monday afternoon and to be here on Tuesday. If we had the writer of that letter before us it would facilitate matters.

*Mr. G. M. Thomson:* We only last night agreed to allow the parties to be represented by counsel. The persons interested were not communicated with in time, and we are now going to allow them to be represented but not to give them time to consult counsel and adopt their line of action. I say we must give them a certain amount of time within which to prepare their defence or decide whatever they are going to do.

*Mr. Payne:* I say that an hour will be quite enough for me.

*Mr. Lee:* I move that the Committee do adjourn until Wednesday at half past 10. I do so for this reason: that it was on my motion it was decided that counsel should be admitted. We want to give every one ample opportunity to produce his evidence fully. It was only decided this morning that counsel should have the right of opening his case, and I say it is quite impossible for any one without adequate data to do so. Whether the House closes to-night or otherwise, it does not affect the matter. The closing of the session can be held over until the Committee reports, and I hope facility will be given to every one to adequately place his case before this Committee.

*Mr. M. Myers:* I do not want to delay this inquiry unnecessarily, and if the Committee adjourns until to-morrow morning I will do my best—and so will Mr. Massey—to indicate what attitude will be taken up. There is another reason why the Committee cannot go on to-day. Mr. McMaster is here, and I understand there is a charge against him. He asked me to appear for him, and I am unable to do so because I am appearing for Mr. Massey. But I think that Mr. McMaster should have an opportunity to consult counsel, and the counsel whom he desires to obtain is not available because he is engaged in the Supreme Court. So it would be unfair to Mr. McMaster for the case to go on.

*The Chairman:* Do you know if Mr. McMaster is here?

*Mr. M. Myers:* Mr. McMaster is here. He is interested as much as anybody, and it is only fair that his position should be considered.

*Mr. Russell:* I wish to ask you, Mr. Chairman, to give a ruling on this point: If the House completes its business, would this Committee cease to exist?

*Mr. Fraser:* Does any reasonable man at this table suppose that the House is going to rise to-day or to-morrow?

*Right Hon. Sir J. G. Ward:* I should expect it myself.

*Mr. Fraser:* I do not; and with full belief in that I think reasonable time should be given, but not unreasonable time.

*The Chairman:* Mr. Lee, you have heard the reference made by Mr. Myers as to meeting on Wednesday.

*Mr. Lee:* That is what I move—that the Committee meet to-morrow morning.

*Mr. Allen:* I second the motion. The committee will recollect that when the question of admitting counsel came up I opposed on the ground of delay; but now they are here, I think the parties should have full opportunity to make their statements.

*Hon. Mr. Millar:* I am going to vote against the motion to adjourn until to-morrow. I am quite prepared to give reasonable time. In my opinion we ought to give half a day's adjournment and then ask the House to permit us to meet this afternoon. I move to omit the words "to-morrow at half past 10," with the object of inserting the words "this afternoon at 3 o'clock." It is not a complicated case requiring a batch of witnesses—Mr. Massey says so himself.

*Mr. M. Myers:* I have already stated that I shall feel it extremely difficult to undertake the inquiry until to-morrow morning.

*Right Hon. Sir J. G. Ward:* I want to say that I am not represented by counsel and do not intend to be, so I wish to make the position clear. Before—

*Mr. Allen:* I do not think this is quite fair. Sir Joseph Ward is not interested in charge No. 1.

*Right Hon. Sir J. G. Ward:* I want to take an opportunity of saying to the Committee that I accept the apology and withdrawal that Mr. Massey made in the House yesterday. It was an unreserved apology and an unreserved withdrawal, and as a gentleman to a gentleman—

*Mr. Allen:* I rise to a point of order. I am sorry to interrupt, but we are not dealing with that point.

*Mr. Payne:* I am interested in this case with Sir Joseph Ward and Mr. Brown, and I think the Premier is right in making the remarks he has.

*Mr. Allen:* My point is that Sir Joseph Ward is making a statement dealing with No. 2 while we are dealing with No. 1.

*Mr. Veitch:* No. 1 says Mr. Payne has been "squared" by Sir Joseph Ward.

*Right Hon. Sir J. G. Ward:* I have got an impression that I am in the whole lot. I want to continue the observation I was making by saying that I heard Mr. Massey's speech last night, which was a full withdrawal of the alleged imputation against me. On the spur of the moment I felt inclined to get up in the House and say I accepted the withdrawal as it was made unreservedly, and I want to say to the Committee that I accept the apology and withdrawal in the spirit in which it was made in the House. I think in connection with it the statement made in the House by Mr. Massey ought to go on record as well. I would like to say I hope Mr. Massey will, in the interests of everybody, induce the gentleman who wrote that letter—which was a grave reflection and was the cause of Mr. Massey making his statement—to come here and take full authority for that letter, because I think, although members concerned have absolved Mr. Massey from blame, all the circumstances should be probed to the bottom for the good of this country. I do not think the Committee should adjourn on No. 3 to-day. No. 3 can be cleared up irrespective of Mr. Massey. I want to point out to the Committee—

*Mr. M. Myers:* What I want to ask is whether Sir Joseph Ward is counsel for anybody in this inquiry. I understand there is a charge against—

*Mr. Reed:* Is Mr. Myers appearing for No. 3?

*Mr. M. Myers:* No, but I apprehend that Mr. Reed will be fair enough to see that Mr. McMaster, who is not represented here for the moment, is not prejudiced. Mr. McMaster does not understand the rules in this sort of thing.

*Mr. Reed:* I think, as we have to call upon Mr. McMaster, he will answer for himself.

*Mr. M. Myers:* Is it fair that a gentleman who is not a member of this Committee, before his case is called on, and before Mr. McMaster has had a chance of saying anything at all, should be allowed to address this Committee.

*Right Hon. Sir J. G. Ward:* Mr. Myers rose to a point of order. I would like to say to my learned friend, as the phrase goes in the Courts, that I have the right to represent myself. If Mr. McMaster wants time I presume he will raise the point. I want the whole of the circumstances probed to the bottom in connection with this No. 1 charge, so that if we trace the people who are maligning public men and without cause—

*Mr. M. Myers:* Again I protest against speeches of this kind. Surely the merits of the case should not be gone into at this stage.

*Right Hon. Sir J. G. Ward:* Very well, as I am not accustomed to being interrupted I will not proceed any further.

*The Chairman:* I will put the amendment to the motion that we do adjourn until Wednesday at half past 10. It was moved by the Hon. Mr. Millar that the words "Wednesday at half past 10" be struck out, with a view to inserting the words "3 o'clock on Tuesday" (to-day).

*Mr. Massey:* I am thinking of what is suggested now, that the Committee should be allowed to sit this afternoon. I would ask honourable gentlemen to think of the position I am placed in. We have a no-confidence motion before the House, in which every speaker refers to me and criticizes the leader of the Opposition. It is hardly fair to ask me to leave the House to attend this Committee under such circumstances. I want to facilitate matters as much as possible, but I understand the position thoroughly that I am placed in.

*Mr. Reed:* I can see the force of what Mr. Massey says, and I seconded the Minister's proposition, but I certainly overlooked that aspect of the matter. After the remarks Mr. Massey has made I cannot see my way to support bringing the Committee here this afternoon while the House is sitting. I think it is very unfortunate. I think Mr. Massey is to blame for not bringing the matter on, because we put the meeting off purposely to enable Mr. Massey to bring his witnesses here. He was to bring his witnesses down by last night's train. I cannot second the Hon. Mr. Millar's proposition because—

*Right Hon. Sir J. G. Ward:* Might I make a suggestion? I recognize—

*Mr. Allen:* Sir Joseph Ward is not a member of the Committee, and I object.

*Right Hon. Sir J. G. Ward:* I suggest, to enable this Committee to have a clear road to go on, that if Mr. Massey is agreeable we should adjourn the House until half past 7 to-night, so as to enable members of the Committee and others interested to come here quite unrestrainedly—

*Mr. M. Myers:* In this matter Mr. Massey must act under my advice. I am here as his counsel, and I have asked, and I know why I have asked, for an adjournment until to-morrow morning.

*Mr. Russell:* I think there is a great deal in what Mr. Massey has said with regard to his being in the House, and under the circumstances I have not forced the position, but I shall vote against any adjournment whatever.

*Mr. Nosworthy:* I think every facility should be given Mr. Massey to bring all the evidence he can until Parliament does rise. We are here to give every man a show to give all the evidence he desires. At any rate, I am prepared to give my time for at least three weeks if necessary.

*Mr. M. Myers:* If the Committee forces me on now, very well.

*Mr. Russell:* It will be open for you to apply for an adjournment after this morning.

*Mr. M. Myers:* If the Committee forces me on I have nothing more to say at this moment.

*Mr. Payne:* Am I entitled to speak?

*Mr. Reed:* I think Mr. Payne is entitled to speak. Mr. Myers has spoken.

*The Chairman:* Yes.

*Mr. Payne:* It will meet my views if Sir Joseph Ward's suggestion is adopted—that is, to ask the House to adjourn until half past 7 this evening.

*Mr. Fraser:* Before you go to the vote I think we should understand the position. Mr. Payne says he is quite prepared to go on now. Mr. Myers, speaking on behalf of Mr. Massey, says he is not prepared. What are we going to do?

*Mr. M. Myers:* I have also said that if the Committee forces me on I am content.

*Mr. Fraser:* We know what that means—you go on under protest. We do not want it to be said afterwards that we forced any one to go on who is not prepared. If Sir Joseph Ward's suggestion were passed, and we found then that we were not able to go on with anything at all, it would place us in a ludicrous position. We do not want to adjourn the House and turn the thing into a travesty. After what has fallen from Mr. Myers it is quite possible that we shall be told that we are trying to force this matter on. I would be quite willing to have the adjournment, because I do not think any harm can affect this Committee one whit by an adjournment until to-morrow morning.

*Mr. Reed:* I think the Committee is entitled to have Mr. Myers's reason for the adjournment. His reason before was that he had not been instructed by Mr. Massey. If there is any other reason, then we should know it. From the remarks made by Mr. Myers I am rather suspicious that if we do adjourn he is going to ask for a further adjournment. If Mr. Myers is asking in order to get further evidence we are entitled to know. When he made his explanation his first ground was perfectly good—that he had not been instructed; but now I do not think he can say that he will not have sufficient time to receive instructions—that reason must be set aside. Now, what reason has he got for not meeting this Committee this afternoon?

*Mr. M. Myers:* I am quite prepared to meet this Committee, individually or collectively, at any time. Mr. Reed is a lawyer, and he should quite understand, without my being forced for any further reason, why I am asking for an adjournment. All I can say is that if it is a question of 3 o'clock this afternoon or now, I would prefer to go on now. You will see that the position is this: In a matter of this kind necessarily Mr. Massey must act under my advice, and either I want the whole of to-day or I would prefer to go on at this moment. I know the attitude that I would take up now, and I may take up the same attitude to-morrow. If the Committee wish to get this matter over and press it on to-day, then I say frankly that I would rather go on now than wait until this afternoon.

*Mr. Payne:* I understand Mr. Myers said he did not get instructions from his client.

*Mr. M. Myers:* I did not say anything of the kind.

*Mr. Russell:* My only desire is that, whatever evidence is available now, under arrangements made by Mr. Massey a few days ago, it should be gone on with. Another thing is that to-morrow another solicitor will appear on the scene on behalf of Mr. McMaster, and the probability is that he will want an adjournment. The solicitor may say that having only just been instructed he may want to bring evidence from Auckland. Mr. Myers has given as one of his reasons that he has been asked to appear for Mr. McMaster, and that Mr. McMaster's solicitor is in the Supreme Court.

*Mr. M. Myers:* You have misunderstood me. It was not on that ground. I am only representing Mr. Massey. I said that it is within my knowledge that Mr. McMaster wants counsel. I have no desire to delay these proceedings, and I hope I have made that clear; and if the Committee presses the matter on now, well and good. I will go on.

*Mr. Robertson:* I think every one is desirous of giving Mr. Massey all the advantage possible in preparing his case, but I understand that Mr. Myers said that if we adjourned until to-morrow morning he might not be able to go on. I think Mr. Myers should make the position absolutely clear that if we do go on to-morrow morning he will be able to go on without further delay.

*Mr. M. Myers:* I said it was possible that if we adjourned until to-morrow morning I might want an adjournment till the evening. At the present moment I know the attitude I would take up, but I want to consider the matter and discuss it with Mr. Massey. That may have some effect on my view, and it is possible, under certain circumstances, that I might not be able to go on until to-morrow night.

*Mr. Robertson:* The House will be sitting then.

*Mr. M. Myers:* Well, if there is a difficulty about going on to-morrow morning or to-morrow night, then go on now.

*Mr. Russell:* Do I understand that Mr. Myers will be prepared to put evidence before the Committee this morning?

*Mr. M. Myers:* I did not say so. It is quite unfair to treat me as a witness.

*Mr. Russell:* I want to understand whether Mr. Myers says he is prepared to go on now or to-morrow morning. I do not want him to put the Committee in an unfair position—that on account of the stand we are taking he will not bring any evidence.

*Mr. Veitch:* It appears to me that this is our position: Mr. Myers says on behalf of Mr. Massey that unless he gets until to-morrow morning he cannot do justice to his client. Now, unless we agree it may be said that we are not prepared to give counsel a full opportunity to prepare his case for Mr. Massey. I feel that justice should be done, and that that consideration should overrule all other considerations. I am in favour of the Committee giving time to Mr.

Myers until to-morrow morning to enable him to prepare his defence with Mr. Massey. I should be very sorry to give my vote in a way to prejudice any person before this Committee.

*Hon. Mr. Millar:* I take it that Mr. Massey's case is narrowed down to the lowest possible point. He said there were no other witnesses required that he knew of. He said that he had asked this man to come down here, and the whole thing is whether the letter is going to be placed on the table now.

*Mr. M. Myers:* If that is the position taken up, I am prepared to go on now. I have already stated that if it is a matter of going on at 3 o'clock this afternoon it is better to go on now; but it would be wasting the time of the country to adjourn till 3 o'clock after I have said that I should be quite as prepared to go on now as at 3 o'clock this afternoon.

*Hon. Mr. Millar:* Mr. Myers need not trouble himself about the country. The business of the country will go on without consultation or advice from him.

The motion for the adjournment of No. 1 Order of Reference until Wednesday at 10.30 was agreed to.

*Mr. Fraser:* I presume the same facilities will be given to this effect by the other Committees; or perhaps they are prepared to go on this afternoon or now.

*Mr. Vigor Brown:* From the remarks dropped by Mr. Fraser I presume he is referring to No. 2.

*Mr. Fraser:* No. 2, or No. 3 if required.

*Mr. Vigor Brown:* There need be no adjournment so far as I am concerned. I had engaged counsel to appear for me this morning, but after the ample apology I received from Mr. Massey I asked my counsel to withdraw. I accept the ample apology made by Mr. Massey, and I hope that in future he will be more guarded.

*Mr. Fraser:* I object to that.

*Mr. Vigor Brown:* I hope the experience the leader of the Opposition has gained in this case will make him more guarded in future.

*The Chairman:* Is that all you have to say?

*Mr. Vigor Brown:* I accept it, but there are other things in connection with my name that I wish to—

*Mr. Fraser:* The remarks Mr. Brown has made and is making he is at liberty to use in the House, but they are out of place here. I think you must see—and Mr. Brown on reflection will see—that this Committee is not a place in which to make such remarks.

*The Chairman:* You may reply to the suggestion made by Mr. Fraser, Mr. Brown.

*Mr. Vigor Brown:* I say that I do not require any adjournment, because, after the ample apology the leader of the Opposition has made, I do not wish to go any further, and I have asked my counsel to withdraw. I do not wish to delay the Committee. Of course, if my tongue is tied—

*The Chairman:* Your tongue is not tied. When we get through the whole of the inquiry you will have ample opportunity of discussing the matter in the House.

At this stage the parties concerned and members of the Press withdrew.

*Mr. Allen:* I move that we go into the question of the breach of privilege in No. 2.

*The Chairman:* Mr. Myers, the Committee purpose proceeding with paragraph 1 of No. 2. It is the wish of the Committee to proceed with the inquiry as to the truth or otherwise of the alleged charge contained in the following words used by Mr. Massey: "Then he said something about whether he was supposed to have been squared, and I said, 'What was stated in Auckland at the present moment was this: that he had been squared by Mr. Vigor Brown and Sir Joseph Ward at Napier.' Now, that was the statement that was made quite openly in Auckland. I think Mr. Payne had begun to see the serious position he proposed to take up, and he said, 'Just let me think this over.'"

*Mr. M. Myers:* That statement has already been withdrawn by Mr. Massey, fully and amply withdrawn; and I propose to do no more than put in the statement that Mr. Massey has made in the House. [Statement put in.]

*The Chairman:* Can you assist the Committee with evidence—by letter or otherwise—with a view to ascertaining whether this alleged charge has any foundation in fact?

*Mr. M. Myers:* The charge that Mr. Payne was squared with money or something of that kind?

*The Chairman:* No.

*Mr. M. Myers:* That he was squared? As this is a matter which affects Mr. Massey, perhaps the Committee would hear him very briefly on that point. He has already made a statement in the House. I do not understand that any charge is made against Mr. Payne.

*The Chairman:* Can you answer my question—whether Mr. Massey can assist the Committee by furnishing evidence, by means of documents or otherwise, with a view to the Committee ascertaining whether the alleged charge has any foundation in fact?

*Mr. Massey:* No, nor is it suggested that the charge has any foundation in fact.

*Mr. Russell:* May I point out, for the benefit of Mr. Payne and his counsel, that the position is this: Mr. Massey has in the House made a full and ample retraction of the charge contained in the paragraph; but the Committee consider that, whether Mr. Massey leads any evidence or not in connection with that charge—and presumably he will not do so, having withdrawn it—Mr. Payne should have the fullest opportunity of stating for himself, on oath, whether there ever was any ground for the statement that has been made.

*Mr. M. Myers:* What I want to make quite clear is that Mr. Massey did not ever make the charge that Mr. Payne was squared, nor do we make the charge, nor do we suggest that any such charge has any foundation in fact.

*Mr. Skerrett:* I appear for Mr. Payne. All I have risen for at the present time is to say this: that we do not accept Mr. Myers's interpretation of the expression "squared" in this paragraph. We regard it as an opprobrious term, connoting some bribery or corrupt influence

exercised by Mr. Vigor Brown and Sir Joseph Ward at Napier. I only desire to say that at the present time. It is inadvisable, I may point out, to have a discussion between counsel as to the meaning of a particular charge.

*The Chairman:* Has Mr. Massey any documentary evidence in his possession that would lead him to believe that this charge has any foundation in fact?

*Mr. M. Myers:* I have already stated that we do not make the charge, and we do not suggest it has any foundation in fact.

*The Chairman:* You have no evidence to suggest that it has?

*Mr. M. Myers:* No, we have no evidence. When we say that we do not suggest that the charge has any foundation in fact, that, of course, implies that we have no evidence to show that it has.

*Mr. Skerrett:* May I at once state the position Mr. Payne takes up with reference to this charge? Mr. Payne feels bound to accept the unreserved retraction and apology which Mr. Massey has offered in connection with this matter, but he desires the opportunity of stating on oath, if that be permissible, or by oral statement, that there is not a word of truth in the accusation which is implied in the charge.

*Mr. Massey:* Just to make the matter perfectly clear, and following up what has been stated by Mr. Myers, let me say that I made no charge. Mr. Payne asked me a question—whether he was supposed to have been squared; and I said that what was stated in Auckland was this, that he had been squared by Mr. Vigor Brown and Sir Joseph Ward at Napier. “Squared” is an unhappy term in this connection, but the word “squared” was first used by Mr. Payne himself in asking a question of me. I should like to say that even in the Auckland streets there was never any suggestion that money had passed.

*Mr. Russell:* I wish to ask now, if Mr. Massey is giving evidence, whether the Committee will be able to cross-examine him on the statements that are being made.

*The Chairman:* I take it that if Mr. Massey makes a statement it is open to us to cross-examine him.

*Mr. Massey:* I am quite willing to answer questions.

(At this stage Mr. Massey was sworn.)

*The Chairman:* Will you lead, Mr. Myers?

*Mr. M. Myers:* I do not propose to call any evidence. Mr. Massey wants to make a short statement.

*Mr. Skerrett:* May I rise to a point of order? Mr. Massey, by his counsel and by himself, has stated that he unreservedly withdrew the charge contained in the statement. It seems to me to be quite unimportant whether Mr. Massey made the charge or whether he was giving utterance to some rumour or statement which had been made to him. But what I desire to point out is that it is too late now for Mr. Massey, after the apology has been accepted—and it is unfair, too—to attempt not to support the charge, but to whittle away, excuse it, and palliate it. I submit that the meaning of the charge is entirely a question for members of the Committee, and they can consider it themselves without the assistance of Mr. Massey or counsel concerned. I point out that, as a matter of law—and there are some members of the Committee who are aware of it—the construction of a written document is entirely for the Court, and no evidence can be called to explain the nature of the document or its interpretation unless the words have an ambiguous meaning.

*Mr. M. Myers:* There is no dispute. What Mr. Massey says is this: he has made no charge and makes no charge; he says that if those words be read as a charge, he never made it and does not make it.

*Mr. Skerrett:* Will my friend explain these words of Mr. Massey's: “What was stated in Auckland at the present moment was this, that he had been squared by Mr. Vigor Brown and Sir Joseph Ward at Napier”?

*Mr. M. Myers:* The Committee may, of course, place any interpretation it likes upon the words. That is quite another matter. But what Mr. Massey has always said is this, that he has not made any charge of anything dishonest on the part even of Mr. Payne or the other gentlemen named. He has not made the charge, does not make it, and in answer to you, Mr. Chairman, I said that we had no evidence to offer.

*The Chairman:* Mr. Massey, what is the statement that you desire to make to the Committee?

*Mr. Massey:* I had almost finished. I was going on to tell the Committee what was said in Auckland, and the meaning of it.

*Mr. Allen:* Better not, I think.

*The Chairman:* I think you are only making it worse by repeating hearsay. Unfortunately, hearsay has landed you in a regrettable position, as you will admit yourself, and I think you would only be making your position worse. However, it is not for me to give advice.

*Mr. Massey:* There is one point I want to make perfectly clear: that there was no suggestion of money having passed as between Mr. Brown and Mr. Payne, or between Sir Joseph Ward and Mr. Payne.

*Mr. Payne:* There was.

*Mr. Massey:* Not in this. There was never any suggestion of money having passed, even in Auckland streets. There were jocular allusions to Mr. Payne finding himself—

*The Chairman:* I would not go into that.

*Mr. Massey:* Very well. That is all I have to say.

*Mr. Skerrett:* I desire to say, on behalf of Mr. Payne, that he has no wish to make matters unpleasant for Mr. Massey, or to press the matter unduly against him. I have objected to Mr. Massey construing for himself the words which he used. That, I say, is for the Committee. All that I wish now is permission to call my client to show that there is not a word of truth in the suggestion which is contained in the statement. I am not a bit interested as to whether Mr. Massey made it from his own knowledge or on hearsay, or whether he is responsible or not. I want to rebut the charge.

JOHN PAYNE, M.P. for Grey Lynn, sworn.

1. *Mr. Sherrett.* I will read these words to you: "What was stated in Auckland at the present moment was this: that he had been squared by Mr. Vigor Brown and Sir Joseph Ward at Napier." Is there a word of truth in that suggestion or charge?—Not a single word.

2. You were in Napier?—Yes.

3. Did you see Mr. Vigor Brown?—Yes.

4. Did you see Sir Joseph Ward?—Yes.

5. Was there any discussion as between Sir Joseph Ward and yourself with regard to your politics, or your action in the possible political crisis?—None whatever.

6. Was a single word said on the subject?—Not a single word.

7. May I put the same question with reference to Mr. Vigor Brown?—My answer will be the same—not a single word.

8. *Hon. Mr. Millar.*] Have you at any time been approached by Ministers asking you to change your vote?—No.

9. Neither directly nor indirectly, by any Minister of the Crown?—Neither directly nor indirectly.

10. *Mr. Lee.*] Have you at any time told any person that there had been any offer to square you?—Yes.

11. Whom did you tell?—I told Mr. Massey in this building.

12. Any one else?—Mr. Dickson was present.

13. Any one else?—No one else.

14. What offer were you referring to, then, when you said you were supposed to have been squared? Why did you make that remark?—I did not make that remark.

15. What did you say, exactly?—Mr. Massey told me that I was supposed to have been squared by Sir Joseph Ward and Mr. Vigor Brown at Napier.

16. But before Mr. Massey said that, did you say to Mr. Massey that you were supposed to have been squared?—No.

17. You had heard nothing up to that time about your having been squared in any way?—Yes, I had.

18. What had you heard?—I heard that rumoured up in Auckland. This meeting in Mr. Massey's office took place perhaps a week later.

19. Before you went to Mr. Massey's office you had heard the rumour in Auckland: from whom had you heard it?—From the chairman of my committees, Mr. Cathie, and the chairman of my Richmond committee. I may say in explanation that the reason why I heard it was that I mentioned the matter myself. Presumably they thought it too delicate a matter to mention it to me.

20. Whom did you hear it from—the suggestion that you had been squared?—I told them that I had been told by Mr. McMaster that he was authorized to give me £500 or £1,000 to vote for the Ward Administration, and then they said that that was the rumour in the town—that I had been squared.

21. When was this?—Last Friday fortnight—9th February, in the evening.

22. *Mr. Veitch.*] When you admitted to Mr. Massey in his office that it had been suggested that you should accept some money, was that in any way connected with the other rumour that you had been squared by Sir Joseph Ward and Mr. Brown?—It will be necessary for me to state exactly what took place there. Mr. Massey said, "It is rumoured that you were squared by Sir Joseph Ward and Mr. Vigor Brown at Napier," and I said, "There may be some colour for that, and you would open your eyes if you knew who it was." The reason why I said that was that immediately after making that statement Mr. Massey had produced a blue letter, signed, I think, by Mr. Maurice O'Connor, in which he told Mr. McMaster that he would be willing to give £100 to his (Mr. McMaster's) nominee. I do not remember the wording of it, but it was to that effect, I think, and was written in view of a possible general election. Mr. Massey showed me that letter, and, seeing that Mr. McMaster was evidently working up to Mr. Massey, I said, "It would make you open your eyes if you knew who it was that had made that offer in Auckland." Mr. Massey was not then told who it was.

23. Have you any reason to believe that Sir Joseph Ward and Mr. Vigor Brown had any connection with the offer made to you in Auckland?—As soon as I said "You would open your eyes," Mr. Massey suggested Mr. Brown. Mr. Massey's words were, "Mr. Vigor Brown?" I said "No, you are miles out."

24. I am asking you for your own conception of the position, not Mr. Massey's. Have you any reason to believe that there was any connection between Sir Joseph Ward and Mr. Brown and the Auckland offer?—None whatever. I was quite surprised to hear it.

25. *The Chairman.*] Did you go to Mr. Massey of your own accord?—No, Mr. Dickson came for me and said that Mr. Massey wanted to see me.

26. Where did Mr. Dickson meet you?—Over in the Parliamentary Building, I think.

27. Who were present during that interview?—Mr. Massey was present, and Mr. Dickson; and Mr. Guthrie came in and went out almost immediately.

28. Did any one except Mr. Dickson hear the conversation that took place between you and Mr. Massey?—No, no one.

29. Can you tell me what was the statement made by Mr. Massey with reference to Mr. Vigor Brown?—Mr. Massey said, "They say that you were squared by Mr. Vigor Brown and the Premier when you were at Napier."

30. Was that all the reference to Mr. Vigor Brown's name and Sir Joseph Ward's?—There followed the incident of the letter and Mr. Massey guessing that it was Mr. Vigor Brown.



31. How do you arrive at that conclusion?—I have already related that Mr. Massey showed me a letter from—I believe—Mr. Maurice O'Connor to Mr. McMaster, in which he told Mr. McMaster that he was willing to give £100 to his nominee.

32. That letter was produced by Mr. Massey?—And showed to me.

33. Was Mr. Dickson present at the time?—Yes.

34. Any other person?—No other person.

35. Did you read the letter?—I glanced roughly over it.

36. Was the letter handed to you?—No. Mr. Massey held it as I looked at it.

37. Do you remember the date of it?—I could not say. I did not pay particular attention to that.

38. Do you remember the signature?—I could not swear to that, but I believe it was Mr. Maurice O'Connor's.

39. Did Mr. Dickson see it?—He must have seen the letter. He could not help. He was close handy.

*Mr. M. Myers:* I think that you and the witness are at cross-purposes, sir. The witness is referring to a letter not quite connected with the charge. It is a letter in which, apparently, Mr. O'Connor, writing to Mr. McMaster, said something about being prepared to give £100 for the use of Mr. McMaster's nominee in the event of a fresh election.

*The Chairman:* I want to know all that took place at that interview.

*Mr. Fraser:* A point of order, sir. I submit that that question cannot be asked, because it involves matters which have got to be dealt with and which the Committee determinedly postponed until to-morrow morning.

*The Chairman:* I have no desire to press the question.

*Mr. Fraser:* I submit that anything with reference to paragraph 2 is not to be dealt with to-day, and your question involves that.

*The Chairman:* I am endeavouring to test the witness's memory as to what took place at an alleged interview with Mr. Massey.

*Mr. Allen:* Speaking to the point of order, I think we are getting to cross-purposes. I think that paragraph 1 is the paragraph that originated in the first place in Auckland, and that is clear from the wording of it: "What was stated in Auckland at the present moment was this." What was the present moment? It was not the moment of the interview with Mr. Massey in his office—it was the previous interview, I understand, in Auckland; and these two things have got mixed up, and we are getting on to No. 1 when we ought to be on the other.

*Mr. Skerrett:* May I say, as counsel for Mr. Payne, that I agree with the contention of Mr. Fraser and Mr. Allen, and I so conducted the examination in chief. It is disadvantageous, really, to Mr. Payne, because his story will be much more consecutive if he is permitted to give it as it actually occurred, consecutively, day by day. Therefore in Mr. Payne's interests I support the contentions which Mr. Fraser and Mr. Allen have urged. I shall, however, ask permission, because of this question, to ask one other question, and that is the one which I have indicated to you—whether the circumstances under which the alleged offer was made were such as to cause him to take the offer seriously. That does not come out in No. 1 inquiry, but the Chairman has permitted all these questions to be asked, and it will be published before the witness's full explanation. I desire only to ask that one question, out of fairness to the witness.

*The Chairman:* You may ask that question.

40. *Mr. M. Myers.*] The only question I want to ask is this. Will you look over the paragraph again [Shown to witness]. You remember that conversation, do you not? You remember a conversation between yourself and Mr. Massey, when Sir Joseph Ward's and Mr. Brown's names were mentioned?—That was in the Parliament Buildings here.

41. Are you not making a mistake, and was not that particular conversation in Auckland?—I have already got Mr. Dickson to contradict himself on that point. It is on record in *Hansard*. No mention of this bribe or anything pertaining thereto was made in Auckland. There was no suggestion of a bribe in Auckland. Entirely different matters were discussed there.

42. Your recollection is that this conversation took place in Wellington?—Not my recollection, but my absolute certainty.

43. *Mr. Allen.*] I should like to know from Mr. Payne whether any conversation took place in Auckland, prior to the meeting in Mr. Massey's room, about Mr. Vigor Brown and Sir Joseph Ward having squared Mr. Payne?—The matter was not mentioned in any shape or form in Auckland. It was first mentioned in Mr. Massey's office here in Wellington.

44. *Mr. Skerrett.*] You have said that you told Mr. Massey in the Parliament Buildings in Wellington that something in the nature of an offer had been made to you if you would go in the direction of the Ward Government. Was the suggestion made under circumstances which would entitle you to take it seriously?—No.

45. *Right Hon. Sir J. G. Ward.*] You have already stated that no conversation took place between myself and you at Napier regarding the political situation?—That is true.

46. Nor between Mr. Brown with me, or Mr. Brown separately, upon that same question?—That is equally true.

47. Had you any reason to believe, when the statement was made to you by Mr. Massey in Auckland that you had been squared?—I must reiterate that I deny that it was mentioned by Mr. Massey in Auckland. It was mentioned here in Wellington only.

48. Had you any reason to believe that the suggestion, wherever it came from, emanated in any way, directly or indirectly, from the Ward Government or anybody connected with the Government?—None whatever.

49. *Mr. Vigor Brown.*] I should like to ask Mr. Payne whether I ever, directly or indirectly, or by innuendo, or in any way possible, made any suggestion as to how he should vote at any time?—No, you never even asked my opinion on the matter.



*Mr. M. Myers:* With regard to the question that Mr. Skerrett put, I apprehend I cannot question the witness about that now. It refers to quite a different matter. I am not objecting to the question—it was quite a proper one; but I may desire to cross-examine Mr. Payne about that, and I presume I shall have that opportunity on the hearing of the other charge to-morrow.

Right Hon. Sir J. G. WARD, Bart., M.P., Wellington, sworn.

1. *The Chairman.*] You wish to make a statement?—Yes, I wish to make a statement regarding this paragraph which the Committee are considering—“What was stated in Auckland at the present moment was this: that he had been squared by Mr. Vigor Brown and Sir Joseph Ward at Napier.” I wish to say that I have not at any time, directly or indirectly, by myself or through any other person, offered to square a man in connection with the politics of this country; and the suggested rumour emanating from Napier is absolutely untrue. What I am anxious to do is to find out who started the rumour, so that we may get here upon his oath the person who was responsible for an untrue statement of that kind and who was responsible for the leader of the Opposition mentioning it in the House. I wish also to say that when at Napier I did not discuss the political situation with Mr. Payne. Moreover, just before Mr. Brown introduced him to me I specially asked him not to expect me to discuss the political situation. I have not in any way been responsible for anything that could have started that rumour. It is one of many baseless statements which are circulated about public men, but it is of a dastardly character, and we ought to find out who is responsible for the rumour starting and finding its way to Mr. Massey. I want Mr. Massey to give the Committee the name of the writer of the letter. If I cannot do that to-day in reference to the letter, so far as this order of reference is concerned, then I want to do it to-morrow when the other order of reference is before the Committee.

2. *Mr. Allen.*] You have already stated that you accept Mr. Massey's explanation and retraction?—Yes. It is as follows: “On Friday evening, in giving an account of a conversation between the member for Grey Lynn and myself at the request of the former, I quoted an extract from a letter which I had read to the member mentioned. In doing so I committed a grave error. The terms of the extract suggested that a member of this House was subject to corrupt influences. Some of my own words may have been capable of the same construction, though I did not so intend them. By some honourable members the words I used with reference to the Prime Minister and the member for Napier appear to have been understood as suggesting that the members I have mentioned employed some improper influences. I feel it my duty to the House, to the Prime Minister, to the member for Napier, and to the member for Grey Lynn to express my regret not only for reading the extract, but for the words I myself used; and, further, it is due to them that I should at the earliest possible moment unreservedly withdraw all imputation against those honourable members. I do not believe that a bribe has been accepted by any member of the House, or that any member has offered another a bribe. My statement is made without previous consultation with my party, and I have only been guided by my sense of what is due by one man to another and by a member of this House to the House.”

JOHN VIGOR BROWN, M.P., Napier, sworn.

1. *The Chairman.*] You wish to make a statement?—Yes.

2. Here is the paragraph that we are dealing with [handed to witness]: read it, and then give us any comment you like to make?—“What was stated in Auckland was this: that he had been squared by Mr. Vigor Brown and Sir Joseph Ward at Napier.” That is not true. I never at any time made any offer, either directly or indirectly, by innuendo or in any other way. Any suggestion that I squared Mr. Payne is absolutely false, and I wish to place that on record. That is what I came here for, and I suppose the Committee are quite willing to hear me deny the charge.

3. *Mr. Russell.*] You are aware that the charge, so far as it is contained in this paragraph, has been retracted by Mr. Massey?—Yes.

4. You accept the retraction?—Yes. It is as follows: “Sir, on Friday evening, in giving an account of a conversation between the member for Grey Lynn and myself at the request of the former, I quoted an extract from a letter that I had read to the member mentioned. In doing so I committed a grave error. The terms of the extract suggested that a member of this House was subject to corrupt influences. Some of my own words may have been capable of the same construction, though I did not so intend them. By some honourable members the words I used with reference to the Prime Minister and the member for Napier appear to have been understood as suggesting that the members I have mentioned employed some improper influence. I feel it my duty to the House, to the Prime Minister, to the member for Napier, and the member for Grey Lynn to express my regret not only for reading the extract, but for the words I myself used; and, further, it is due to them that I should at the earliest possible moment unreservedly withdraw all imputations against those honourable members. I do not believe that a bribe has been accepted by any member of the House, or that any member of the House has offered another a bribe. My statement is made without previous consultation with my party, and I have only been guided by my sense of what is due by one man to another and by a member of this House to the House.”

5. You swear that you neither had any conversation with Mr. Payne, nor produced any document, that could contain any offer on your part to influence his vote in favour of the Ward Government on the no-confidence motion?—That is so. The thing was never hinted at or dreamt of in any way whatever.

*Mr. Reed:* Looking over the order of reference, it seems to me that there is a question we have to ask Mr. Massey, and that is, by whom were these statements made in Auckland? The order of reference says we are to inquire into the charges and the subject-matter of the statement, and that we are to state whether a breach of privilege has been committed, and by whom. I think it is necessary that we should put the question to Mr. Massey, by whom were these statements in Auckland made to him?

*Mr. Fraser:* Until we decide that it is a breach of privilege we cannot ask who did it.

*Mr. Reed:* But we must get evidence. If somebody has made this remark to Mr. Massey we want to know who, as we want to know who wrote the letter, in order to ascertain by whom the breach of privilege has been committed. The verbal statement stands in the same position as the written statement. If Mr. Massey can supply us with the names, then we can report to the House by whom we find a breach of privilege has been committed. Therefore I think it is necessary, in order to carry out the instructions of the House, that we should put the question to Mr. Massey, By whom were the statements made in Auckland?

*Mr. M. Myers:* Does not the answer to the question, "Who committed a breach of privilege?" depend entirely on what happened in the House? It is the repetition of the statement in the House that is the breach of privilege.

*The Chairman:* No; it is necessary, in order to determine clearly whether a breach of privilege has been committed, to have some evidence bearing on the points mentioned by Mr. Reed. Hence the reason for desiring to put the question.

*Mr. Russell:* I am inclined to differ from Mr. Reed in connection with this matter. The order of reference from the House is this: "That the following words used in debate in the House . . . be referred to the Committee." I submit that the Committee cannot go beyond the words "in the House." The mere making of a statement that was false or slanderous by some one outside the House would not constitute a breach of the privileges of the House, otherwise the country would be in such a state of ferment that we might require, after a general election, to have half the entire population brought up. What might constitute a breach of privilege would be the repetition in the House of a slanderous statement made by somebody outside.

*The Chairman:* In discussing the question this morning it appeared to us that, in order to arrive at a conclusion as to whether a breach of privilege had been committed, we should as far as possible obtain the information mentioned by Mr. Reed. It will certainly help us to determine the question. I think Mr. Lee will bear me out in that.

*Mr. M. Myers:* I submit that this tribunal should not be used as a means for enabling one person to bring an action for slander against another.

*The Chairman:* It is not for that object.

*Mr. M. Myers:* I submit that that is the effect, and I submit with great respect that the view taken by Mr. Russell is the correct one. That is the view that I had already put, in a slightly different way, before Mr. Russell rose; and I submit that the Committee should pause before asking a question of this kind. I submit that it does not come within the order of reference, and that it is not a proper question to put.

*The Chairman:* I will allow Mr. Reed to put the question.

*Mr. Fraser:* I rise to a point of order. This is a matter which the Committee ought to settle for itself; therefore, before the question is put, I move that the Committee deliberate upon it. For the Committee to go deliberately beyond its own order of reference is not likely to conduce to a proper consideration for the Committee.

*Mr. Reed:* I do not want to ask an improper question. You have stated, Mr. Chairman, what took place this morning, and I should like to hear Mr. Lee upon the matter. The question I desire to put is entirely in furtherance of the directions that we received this morning. It seems to me that this case is on all-fours with the other where a written letter is concerned. I cannot see the difference between a verbal statement and a written one.

*Mr. Lee:* I would rather express myself when we are deliberating.

The Committee deliberated in camera.

*The Chairman:* Mr. Massey, it is not the intention of Mr. Reed to ask you that question. Do you wish to say anything further, or your counsel make any statement, or put anything in?

*Mr. M. Myers:* I gave my answer to that question at the beginning. The Committee overrules the question, I understand?

*The Chairman:* Mr. Reed has withdrawn it: he decides not to put it.

*Mr. M. Myers:* With regard to the other charge—No. 1—that goes on to-morrow morning, I understand, at 10.30?

*The Chairman:* Yes.

*Mr. M. Myers:* And No. 3?

*Mr. Fraser:* As soon as the other is finished to-morrow.

#### WEDNESDAY, 28TH FEBRUARY, 1912.

*The Chairman:* We are now going to deal with Order of Reference No. 1. You may make a short opening statement if you like, Mr. Myers, but there are to be no addresses by counsel.

*Mr. M. Myers:* I do not feel it necessary to make an opening statement. The Committee will no doubt, at a later stage, if and when certain questions are put which may be objected to, give me an opportunity of explaining the reasons why the questions are objected to.

*Mr. Skerrett:* May I point out that in this matter Mr. Massey stands in the light of a prosecutor. It is for him to call his evidence and for us to rebut it if necessary. Of course, it is clearly open to Mr. Massey to admit that there is not a word of truth in the charge, and then I proceed.

*Mr. M. Myers:* Mr. Massey has nothing to add, as far as he is concerned, to what he stated to the House on Monday night.

*Mr. Fraser:* I understand from Mr. Skerrett that Mr. Massey is in the light of a prosecutor. I do not quite see that he is in that position before this Committee, because the House has declared that what he read out is a breach of privilege. It appears to me, therefore, he is in the light of a defendant, not a prosecutor.

*Mr. Skerrett:* I may have used an unfortunate expression, but what I meant to submit to the Committee is that the affirmation of the truth of these charges must rest on him.

*Mr. Fraser:* That is another thing.

*Mr. Skerrett:* Substantially what I meant was that he has put forward this charge and adopted it as his own, and his duty is either to support it or refuse to do so.

*Mr. M. Myers:* I formally put in the statement Mr. Massey made in the House on Monday night. This Committee may then make such inquiries as it thinks fit.

*Mr. Skerrett:* Then I understand my learned friend offers no further evidence except the statement made by Mr. Massey.

*The Chairman:* It is our duty, according to the order of reference, to take into consideration the writing and publishing of the letter received by the member for Franklin, and also the question of its truth.

*Mr. M. Myers:* Will you allow me to refer to the order of reference—"That as the writing and publishing of the said extract has been declared by the House to be a breach of its privileges, the writing and publishing of such a letter and such extract, also the question of the truth or otherwise of the charge or charges alleged in such extract or letter, be referred to the following Committee."

*Mr. Skerrett:* And also the question of the truth.

*Mr. M. Myers:* Yes. As to the question of the truth, Mr. Massey has made a statement in the House. May I point out that it is the writing and publishing of the "extract" that is primarily referred to.

*Mr. Skerrett:* No, the writing and publishing of "such extract."

*Mr. M. Myers:* I am reading from a copy I received from the clerk with Mr. Russell's name on it, and that reads in this way.

*Mr. Skerrett:* You notice that it is ordered that the Committee take into full consideration the truth or otherwise of such writing.

*Mr. M. Myers:* Yes, but it does not affect what I have already said. As far as we are concerned, the statement made by Mr. Massey in the House is put in. It is open to the Committee to make inquiries.

*The Chairman:* Is it your intention, Mr. Myers, to produce the letter you referred to?

*Mr. M. Myers:* No.

*The Chairman:* You refuse to do so?

*Mr. M. Myers:* I propose to give reasons.

*The Chairman:* Will you give the name of the writer?

*Mr. M. Myers:* No. The contents of the letter are of a confidential nature. Mr. Massey has frankly and candidly stated in the House that he made a mistake in reading the extract from the letter—or, rather, the copy of an extract from the letter. He has admitted that he made a mistake. To ask Mr. Massey now to produce the letter or to give the name of the writer is to ask him to do a grievous wrong. I propose to refer the Committee to "The Encyclopædia of the Laws of England," Volume XI, Second Edition, at page 618, under the title of "Private Letters." I do not propose to read the whole passage, but I will hand the book to you, Mr. Chairman, so that you can see if there is anything material that I may by chance have omitted. I propose to read only such portions as appear to me to be material: "The author of a letter has, at common law, a property in the literary composition so long as he keeps it to himself. But that property is lost by publication." . . . "The writer has other rights independent of property which enable him to interfere with the unlimited use of the letter by the recipient." . . . "The recipient may use it for any lawful purpose, but publication is not such a lawful purpose." Now, I propose to give, directly, the authorities which are cited by the learned author of this article in support of his propositions. Then a little lower down this statement is made: "Where a man writes a letter it is not in the nature of a gift to the receiver: it is only a special property in the receiver. Possibly the property of the paper may belong to him, but this does not give a license to any person whatsoever to publish it to the world, for at most the receiver has only a joint property with the writer." This view has been approved in *Labouchere v. Hess* (1898—77 L.T., 559). "The Court accordingly, without proceeding so far as to decree the restoration of letters, will restrain any person in the possession of letters from publishing them against the will of the writer, except under special circumstances. What would constitute such special circumstances it is difficult exactly to determine, but publication will not be restrained when necessary for purposes of justice, or for the vindication of the receiver's character." Now, I propose to refer for a moment to the propositions I put. To begin with, then, the writer of this letter could clearly obtain from the Supreme Court an injunction to prevent Mr. Massey, the recipient of the letter, from making use of it. Now, even supposing that a case arose in Court, and the question arose as to whether a document of this kind should be produced, the most that the Court could or would do is this—namely, to order the production of the letter upon an undertaking being given by the party asking for its production that it would not be made use of for any collateral purpose. In this case, to produce that letter might expose two or three persons—the writer of the letter, and any person named in it—to libel or slander actions. Even supposing this Committee were to say, "We will order the production of the letter upon Mr. Payne giving an undertaking not to bring an action," that would not be sufficient, because the undertaking would not be binding on Mr. Payne. I submit that this Committee has no power to ask for such an undertaking, or to enforce it if given; and not only that, there might be other persons to whom a right of action might accrue in consequence of the production of this letter, and those persons would not be bound by any undertaking given by Mr. Payne. Under these circumstances it is submitted that this Committee ought not to ask for the production of the letter; and if this Committee does ask for it I shall certainly take the responsibility of advising Mr. Massey that it would be most improper for him to give it up. I said I would refer to authorities, and I desire to refer to one case cited

in the article I referred to, *Hopkinson v. Lord Burghley* (L.R. 2 Ch.). That was a case where it was held that “the defendant cannot refuse to produce private and confidential letters from a stranger on the ground that the writer forbids their production. But the plaintiff will be put upon an undertaking not to use them for any collateral object.” And this is what was said by Lord Justice Turner: “I am of opinion that these letters must be produced. The writer of a letter trusts the receiver with the letter, and he must take the consequences of its being in his possession. The question which now arises is between a stranger and the receiver. If the sender of a letter wishes to restrain the receiver from showing it to any other person he must file a bill for that purpose. Unless that is done the property is in the receiver. There must, however, be an undertaking not to use the documents, or any copies of them, for any collateral object.”

*Mr. Skerrett*: What was the action?

*Mr. M. Myers*: The action was against the trustees and committee of a private club. Lord Cairns said, “I am of the same opinion. The question in all these cases is, what was the purpose or object in the mind of the person sending the letter? The writer is supposed to intend that the receiver may use it for any lawful purpose, and it has been held that publication is not such a lawful purpose. But if there is a lawful purpose for which a letter can be used it is the publication of it in a Court of justice. In the present case the recipients were justified in declining to produce the letters without the direction of the Court, but they cannot now refuse to produce them. There must be an undertaking in the terms of the undertaking in *Richardson v. Hastings*.” *Richardson v. Hastings* is reported in 7 Beavan, 354. The nature of the undertaking was this—it is contained in the judgment of the Master of the Rolls: “I think that the plaintiff ought not to use the documents for any such collateral object; and as he has offered, if I should think it right, to undertake not to use the documents, or any copy of them, for that purpose, I shall make the order for the production or inspection of those documents on his undertaking to that effect.” My point, therefore, is this: that even a Court would not order the production of these letters unless there was a binding undertaking given that they should not be used for any collateral purpose. I go further and say that this Committee could not impose such an undertaking, and even if it did, the undertaking would not be binding on Mr. Payne, and the production of this letter might involve other persons not before the Committee and expose such persons to the risks of actions to be brought against them by persons other than Mr. Payne, and over those persons this Committee has no jurisdiction. As far as the writing of the letter is concerned, am I right in saying that the House has declared that not to be a breach of privilege?

*The Chairman*: No.

*Mr. Skerrett*: It is the writing and publication of such extract, and also the truth or otherwise.

*Mr. M. Myers*: That is what the Committee has to inquire into. All that has been declared to be a breach of privilege is the writing and publication of the “extract”—that is, in the House—not the letter. The letter has not been declared so far to be a breach of privilege. This is how the resolution reads: “That a Committee of Privilege be appointed to take into full consideration the writing and publishing of a letter, admitted to be written to and received by the honourable member for Franklin, an extract from which letter was to-day read in the House by the honourable member, and a copy of which extract is as follows.” Then it goes on to say “that as the writing and publishing of the said extract has been declared by the House to be a breach of its privileges, the writing and publishing of such letter and such extract, also the question of the truth or otherwise of the charge or charges alleged in such extract or letter, be referred to the following Committee to inquire into and report their proceedings.” My point is that the House has not declared the writing of the letter to be a breach of privilege, and I respectfully submit would not have declared the writing of the letter to be a breach of privilege, because there is an authority in May at page 81 for saying this: “Libels upon members have also been constantly punished; but to constitute a breach of privilege they must concern the character or conduct of members in that capacity; and, as is explained on page 274, the libel must be based on matters arising in the actual transaction of the business of the House.” And at page 274 this passage appears—“To justify the claim of privilege for a motion complaining of alleged libels on members, the conduct and language on which the libel is based must be actions performed or words uttered in the actual transaction of the business of the House.” Now, the conduct on which this alleged libel is based is not an action performed, and does not consist of words uttered, in the House. Therefore I submit that the House would not declare, and it certainly has not declared, the writing of the letter itself to be a breach of privilege. That is another reason why I respectfully submit this Committee should not attempt to force Mr. Massey to produce the letter from which he read an extract, or, rather, a copy of an extract.

*Mr. Skerrett*: I do not propose at present to indicate what position Mr. Payne takes up with reference to the non-production of this letter. I only propose to answer Mr. Myers’s legal observations on this matter. I think Mr. Massey may well say, “Save me from my friends!” because the argument of Mr. Myers is that Mr. Massey was guilty of the unlawful publication of that letter and of an injustice to the writer of the letter, and he asks on that ground that Mr. Massey should be excused from the production of the letter. That is the argument which Mr. Myers has put before the Committee. Now, Mr. Myers has cited a number of authorities that have nothing whatever to do with the question. Probably every gentleman at this table, whether professional or layman, knows that the writer of the letter has a certain interest in that letter. That has nothing to do with this question. I put it to you that Mr. Massey has adopted the statement contained in this letter and has read this letter to the House. I point out to you that if he had read it outside the House, where there is no privilege, action could have been taken against him undeniably for the publication of the letter. I ask any professional member of this Committee if, in an action for discovery against Mr. Massey, Mr. Massey would be privileged. I ask any member of the Committee whether, if Mr. Massey were in the witness-box, he would be entitled to

refuse to answer the question as to who was the author of the letter and the terms of the letter. Mr. Massey may be liable in some way or other to the writer of the letter for its unlawful use, and clearly enough Mr. Massey has no privilege in any Court of the land for the non-production of this letter. Now, what is the Committee investigating? It will be observed that the language of the reference is somewhat loose. The word "extract" is used occasionally in the case of "letter," and you must not confine the expression to the word "extract." What is the duty of this Committee? It is to consider the writing and publishing of such letter and extract. The House has referred to the Committee the writing of such letter, and it appears to me, too, that the Committee has its duty to perform in order to carry out the reference of the House. Now, my learned friend is in desperate straits because, although he cites an authority where in a collateral matter—viz., an action against the trustees and committee of a private club—two private letters of strangers were asked to be produced, the production was ordered upon the understanding being given that they should not be used for an unlawful purpose. But this letter is the whole gravamen of the charge, and clearly enough the Court will not order a useless undertaking of that kind. Now, that authority shows that the writer of the letter must take the consequences, and in ordering the production of the letter founded on the publication of the letter, would it not be ridiculous to impose the condition that it could not be used in an action? I said my learned friend is in desperate straits, because he says that if you impose that condition, and Mr. Payne and Sir Joseph Ward say, "We will not take action," that will not bind. Why not? Is not this the highest Court in the land? Is it not a tribunal; and why should not an undertaking given by the highest tribunal in the land be as good as that of any Court? Then, Mr. Myers says it is not a breach of privilege because it was not done in the transaction of the business of the House. Gentlemen, does that appear to have any sense? The allegation is that £500 or £1,000 was offered to this man if he would vote on certain matters. My learned friend seems to think that you can offer any bribe you please to a member if the House is not sitting.

*Mr. M. Myers:* No.

*Mr. Skerrett:* That is all I can see as the legitimate conclusion of his observation. Honestly, I am not interested in the way this Committee may determine this matter. I can assure you that I am only presenting my remarks for the information of the Committee. I have not said, and I do not propose to say, what attitude Mr. Payne will adopt; but I submit that I am perfectly justified in presenting my view of the law for the benefit of the Committee.

*Mr. M. Myers:* Mr. Skerrett says first of all that Mr. Massey ought not to have published the letter in the House.

*Mr. Skerrett:* You said so.

*Mr. M. Myers:* Very well; and he said that Mr. Massey was guilty of—

*Mr. Skerrett:* I must ask that my learned friend shall not misrepresent me. I did not say that Mr. Massey had no right to publish the letter in the House. I quoted Mr. Massey in saying so. If the letter were true—

*Mr. M. Myers:* No, if the letter were not true he was not justified, because he has admitted that he should not have read a letter received from a person outside which was of a confidential character. My learned friend says that Mr. Massey has adopted the statements in the letter. Mr. Massey has not done anything of the kind, and never has done anything of the kind. As members of the Committee are aware, the extract was read in consequence—as I understand the position—of an invitation from Mr. Payne to say everything that had occurred; and I understand that, according to Mr. Massey, he had read this extract to Mr. Payne at an interview, although that is denied by Mr. Payne, and it was in consequence of the invitation that Mr. Massey read the letter. At all events, if it had been thought even that Mr. Massey did adopt any of those statements—which he never has done—Mr. Massey has amply explained his conduct by the statement he made on Monday night in the House. My friend has spoken about these documents being used in collateral circumstances. Now, I did not give the particulars in the case of *Richardson v. Hastings*. In that case the defendants put in their answer admitting that they had in their possession a number of documents relating to the case.

*The Chairman:* It is not the question of writing and publishing that is at issue here.

*Mr. M. Myers:* No, but the question here is that the document is required for collateral purposes.

*The Chairman:* In what way?

*Mr. M. Myers:* Have not threats been made in the House?

*The Chairman:* There is nothing before the Committee to indicate that there is any collateral purpose.

*Mr. M. Myers:* But surely I can repeat to the Committee what has taken place in the House, and I ask if it has not been stated by various members that actions may be brought upon the production of this letter? If I am right, then I am right in saying that this letter is required for collateral purposes, and this Committee has no power to bind persons to whom a right of action might accrue not to bring actions against persons named in the letter. It was admitted in *Richardson v. Hastings* that the object of the plaintiff was not to use the documents, and it was in that case that the plaintiff was put upon his undertaking. But, sir, whether the production of the letter is required for the purpose of collateral matters or not, I submit it is quite plain that a letter such as that from which the extract was read might be used for such a purpose, and I submit it would not be proper for Mr. Massey to produce it, and that the Committee ought not to ask him to do so.

*Mr. Russell:* I take it that we, as a Committee, have nothing to do with any ulterior matters whatever. We are instructed by the House to take into consideration an action which the House has declared to be a breach of its privileges. I agree with Mr. Myers that the House had declared that the writing and publishing of the extract to be a breach of privilege, but the House has not asked us to inquire whether a breach of privilege has been committed, but to inquire into the

writing of the letter, so that we at the present time, so far as the breach of privilege is concerned, have nothing to do with the authority of the law. It is only Mr. Massey's action that is in question. The House has ordered us to inquire into the writing and publishing not only of the extract, but of the letter, and we have nothing, therefore, to do in carrying out the mandate of the House with any ulterior action. I want to ask Mr. Myers how he meets that position—in what way he identifies the duties and responsibilities of this Committee with any action that Mr. Payne may take afterwards. Mr. Myers wants to block this Committee by saying that Mr. Payne may do something else.

*Mr. M. Myers:* I do not want to block the Committee, but I say first that it would be impossible for Mr. Massey to produce the letter, and, secondly, that the Committee ought not to ask for its production. The Committee can make its inquiry into the writing and publishing of the letter.

*The Chairman:* You say the Committee "ought not to." Do you submit that the Committee has no right to? Can you show us any authority?

*Mr. M. Myers:* Only on this ground: I submit that a Court would only order the production upon an undertaking. This Committee cannot order the production upon an undertaking, because the parties are not necessarily before the Committee, and because those who are here would not be bound by an undertaking, and other parties are not bound.

*Mr. Russell:* My point is that we have nothing to do with the points Mr. Myers is raising.

*Mr. M. Myers:* I submit the Committee should not do so because it is not bound to have the letter before it in order to carry on its duties.

*The Chairman:* Surely if we have to inquire into the writing and publishing of the letter we want to know who the writer is.

*Mr. M. Myers:* I have submitted the position as far as I can.

*The Chairman:* Do you submit that this Committee cannot exercise its functions by reason of the delegation from the House?

*Mr. M. Myers:* Do you ask in connection with enforcing an undertaking?

*The Chairman:* Yes.

*Mr. M. Myers:* I submit the Committee cannot. If Parliament, by appropriate resolution or legislation, were to indemnify any persons who gave evidence or whose names were mentioned, or if Parliament did the same thing in another way by imposing an undertaking—

*Mr. Skerrett:* Could Parliament enforce that undertaking?

*Mr. M. Myers:* Possibly, so far as a member of Parliament is concerned. But my point is that there are other persons involved who are not before this Committee at all.

*Mr. Skerrett:* There are none.

*Mr. M. Myers:* Yes there are. You will find a gentleman named — in this extract, and —'s father, in addition to the writer of the letter.

*Mr. Skerrett:* He is the author of the slander.

*The Chairman:* Suppose application were made for discovery in the Supreme Court, you as counsel could oppose?

*Mr. M. Myers:* If Mr. Massey were defendant?

*The Chairman:* Yes.

*Mr. M. Myers:* Yes.

*The Chairman:* Can you show me any authorities for that?

*Mr. M. Myers:* Only the authorities I have referred to.

*The Chairman:* They would not apply.

*Mr. M. Myers:* They would, because other people besides Mr. Massey have a joint interest in the matter.

*The Chairman:* Can you show any authority in an action for the production of a letter where the Court would refuse discovery?

*Mr. M. Myers:* You can find any quantity. There are cases cited in Stout and Sim's Practice.

*The Chairman:* I would like to see them.

*Mr. Russell:* Have we not had cases where men have been called upon to produce letters? There was a man who was sent to prison—the editor of a paper, I think—because he refused to produce a letter. May I ask what the exact position is now?

*The Chairman:* The question has been put to Mr. Myers asking him if Mr. Massey will produce the letter. Mr. Massey, through his counsel, has refused to do so. The question arises whether we are in a position to compel Mr. Massey to produce the letter. Mr. Myers has contended that we have no right or authority to compel Mr. Massey to produce the letter. Apart from the question of public policy, Mr. Myers says we cannot or ought not to compel its production.

*Mr. M. Myers:* "Ought not." I do not dispute that a Committee of Parliament has very wide powers, and I am not prepared to say that the decisions which apply to Courts necessarily apply to this Committee. For instance, a Court may not have power to make an order which a Committee of Parliament might have power to make.

*The Chairman:* But you have asked us to be governed.

*Mr. M. Myers:* Yes. I say that if the production of the document of this kind were asked for in Court the Court would not order it to be produced.

*The Chairman:* Have you got the authority before you?

*Mr. M. Myers:* There is another reason. A Court will not order a document to be produced which might tend to incriminate.

*Mr. Skerrett:* Tend to incriminate whom?

*Mr. M. Myers:* Incriminate the defendant.

*The Chairman:* Is there a defendant here?

*Mr. M. Myers:* No, but Mr. Massey may be liable for what he has said. Supposing he had read outside the House simply the extract which he had copied from the letter?

*Mr. Skerrett:* My friend knows that that would be slander.

*Mr. M. Myers:* I know that, of course. The point is that he could not be made to discover the letter. I submit plainly under these circumstances he could not be made to discover the letter which might give rise to a cause of action quite different from the cause of action upon which the proceedings were being taken if the new cause of action might involve a possible prosecution for libel or criminal defamation. It is the production of documents in joint possession which I referred to in Stout and Sim, and not joint interest; but, apart from that, I submit the letter would not be discoverable.

*The Chairman:* You cannot find any authority for what you said?

*Mr. M. Myers:* No, except the joint possession, but the letter would not have been discoverable otherwise. In what form of action would it have been discoverable? The only possible action would have been an action for slander. Mr. Massey did not read the document itself. He could have answered on an application for discovery that its production might tend to incriminate him.

*Mr. Skerrett:* In an action for libel or slander based on a written letter it is open for the defendant to state that the discovery of the identical letter would incriminate him.

*Mr. M. Myers:* In this case Mr. Massey had copied a portion of the letter, and he read from that copy; and I submit with confidence that no Court would compel him to discover the letter itself if he answered that the production of the letter itself might incriminate him. It might incriminate him otherwise than to the extent of the cause of action in the slander. The document that he read is discoverable—I do not dispute that—and in the present case the document which Mr. Massey read was laid on the table of the House. That is as far as the Supreme Court would go. If Mr. Massey had used these words outside the House and an action for slander had been brought against him the letter would not have been discoverable in any event, and the Court could certainly not have ordered it to be discovered if the answer was made that the discovery of the letter might tend to incriminate.

The Committee deliberated. On resuming,—

*The Chairman:* Mr. Myers, the Committee has decided that Mr. Massey should be asked to produce the letter referred to in this order of reference.

*Mr. M. Myers:* Mr. Massey will have no alternative but to respectfully decline. Clearly it would be very wrong of him to produce the letter and expose the writer, or other persons who may be mentioned in the letter, to possible actions for libel or slander.

*The Chairman:* Will Mr. Massey give the name of the writer of the letter?

*Mr. M. Myers:* No, I am afraid there is the same objection there.

*The Chairman:* Mr. Massey refuses to disclose the name of the writer?

*Mr. M. Myers:* He respectfully declines, sir.

*Mr. Russell:* I think Mr. Massey should be sworn as a witness, and should be definitely asked by yourself, sir, whether he does or does not produce the letter.

*Mr. M. Myers:* Mr. Massey authorizes me to make the statement.

*Right Hon. Sir J. G. Ward:* May I, speaking for myself and as one who is concerned, say that while I think it ought not to be taken as a precedent—

*Mr. Allen:* I rise to a point of order. I do not see that Sir Joseph Ward is concerned in this first charge in any way whatever. I ask your ruling as to whether he has any right to say anything on the first charge.

*The Chairman:* I rule that Sir Joseph Ward can make a statement.

*The Right Hon. Sir J. G. Ward:* I want to say, in view of the fact that Mr. Massey, through his lawyer, has refused to produce the original letter, that as far as I am concerned I would not press for the production of the original letter, either in the House or before the Committee. I want my reason to be clearly understood. I am very anxious to know who the writer of the letter was who was the cause of Mr. Massey making a statement which he has publicly acknowledged was a mistake on his part. I should naturally like to know who the writer of the letter was, and whose were the names mentioned in the letter. But as Mr. Massey, for reasons which his legal representative has stated, refuses to produce the letter, I fail to see under the circumstances—if I may be allowed to say so—what use there is in the Committee wasting its time in trying to force the production of the letter. I want to say this—and I do not think the mere fact of my doing so should be looked upon as a precedent in any way justifying a man in reading an extract from a letter in the House, and so publishing it throughout the country, and then refusing to produce the original—that it seems to me there is nothing to be gained under the circumstances by pressing when Mr. Massey, for the reasons stated, has refused to produce the letter. I think, with all due deference to Mr. Allen, that any one reading that extract would say that it had reference to me.

*Mr. Russell:* I submit that in connection with this matter we are going to establish a most important precedent. The House has declared a certain act to be a breach of privilege. The basis of that act—the foundation of it, as Mr. Skerrett has remarked—is the writing and publishing of a letter. The House has ordered us to inquire into the writing and publishing of the letter and the extract; and if we are now going to admit that we are not prepared to insist upon carrying out the instruction of the House to inquire into the writing and publishing of that letter, on the suggestion that has been made by Sir Joseph Ward, then we are going to abrogate a most important part of our duty. We are here as a Committee of Privilege. We have to anticipate that next week or next month or next year another breach of privilege may be committed by some other member who may not have the able assistance of Mr. Myers to advocate his case before the Committee, and he may be a member not occupying the high position that Mr. Massey does as the leader of one of the parties in the House. I submit that unless we carry out the duty that has been laid upon us by the House we shall be neglecting—

*Mr. Allen:* How are we going to do it?

*Mr. Russell:* I say that the proper course is that Mr. Massey should be treated as an ordinary witness: he should be put upon his oath and asked by the Chairman, under the instruction of



this Committee, to produce the letter. His refusal then should be taken down and regarded as a portion of the evidence, and that refusal, word for word, should be reported to the House, in order that we may prevent ourselves from establishing a very dangerous precedent.

*Mr. Fraser:* I rise to a point of order, sir. Are we to have the opinions of each member of this Committee stated in this way? It means deliberating in open Court, as it were. I do not think we should continue the discussion round the table like that.

*The Chairman:* What we have to consider is this: What action, if any, should we take in bringing Mr. Massey's refusal before the House? Mr. Massey has refused to accede to certain requests made by this Committee. Now, it is for the Committee to say what steps, if any, we shall take in regard to that refusal. Therefore we should consider this matter in Committee.

*Mr. Lee:* Before we do that should we not hear Mr. Skerrett on behalf of Mr. Payne?

*The Chairman:* Yes.

*Mr. Skerrett:* I am not concerned with the wide and general question which Mr. Russell has raised, but I am instructed by Mr. Payne to say that he desires to insist, as far as he may, upon the production of the letter.

*The Chairman:* Perhaps Mr. Brown will make a statement. If he does not press the matter it may help Mr. Massey's position.

*Mr. Allen:* No, no; I object. I think it is very wrong to allow outside talk.

*The Chairman:* It was merely to help Mr. Massey, and in his interest, that I suggested it.

The Committee deliberated. On resuming,—

*The Chairman:* We are now going to consider Order of Reference No. 3—"That the statement made this day by Mr. John Payne, member for Grey Lynn, to the effect that one McMaster, of Auckland, had been authorized to give the member for Grey Lynn anything between £500 and £1,000 if he, the member for Grey Lynn, would go in the direction of the Ward party, having been declared by the House to be a breach of its privileges, a Committee of Privilege be appointed to take such statement into consideration, to inquire into the truth or otherwise of the alleged charge, and to report to the House its opinion thereon." We want now to inquire into this question of the truth or otherwise of the statement.

*Mr. Young:* I ask leave to appear for Mr. McMaster.

*Mr. Skerrett:* I ask leave to appear for Mr. Payne.

*Mr. M. Myers:* I do not know that Mr. Massey is interested in this, but if he should be interested in any way I suppose I am at liberty to appear for him.

*The Chairman:* We understand that. Would you like to make an opening statement, Mr. Young? We should like to hear Mr. McMaster and Mr. Payne.

*Mr. Skerrett:* I suggest that you call Mr. Payne first.

*Mr. Young:* Mr. McMaster would prefer that Mr. Payne be called first, because it is he that makes the allegation.

*The Chairman:* Very well.

JOHN PAYNE, M.P., examined on oath.

1. *Mr. Skerrett.*] You were a candidate, at the recent elections, for the Grey Lynn seat?—Yes.
2. Was Mr. McMaster at any time a supporter of yours?—He was.
3. At what stage of the election did he become a supporter of yours?—At the beginning, practically: within a fortnight of the campaign starting.
4. Do you remember that you had a conversation with Mr. McMaster in Auckland on the 9th February, I think: is that the correct date?—Yes.
5. Will you be good enough, in your own words, to narrate what took place, and the circumstances? Will you state first where you met Mr. McMaster, and what were your movements that led up to the interview?—I left instructions with my clerk to take down any messages that might come, and I said that I would ring up later and find out what had been sent along over the telephone.
6. What took place next?—She informed me that Mr. Charles McMaster wanted to see me between 2 and 4 o'clock in the afternoon, at the Thistle Hotel. I had been up to Richmond in a taxicab, and I went along in the taxicab and went in and saw Mr. McMaster.
7. At what time in the afternoon did you go in?—Speaking roughly, at about 3 o'clock.
8. You went into the Thistle Hotel?—Mr. McMaster was standing at the door as I arrived.
9. Did you go in with him?—I went in with Mr. McMaster to the bar, and we had a drink.
10. How long did you remain at the bar?—Probably five or ten minutes. Mr. McMaster introduced me to Mr. O'Connor and his—O'Connor's—brother.
11. Then you remained quite the customary time to consume a drink, and you were introduced—for the first time, I understand—to Mr. Maurice O'Connor and his brother?—Yes.
12. Did the discussion at the bar relate in any way to the political situation?—No, I think not.
13. If it did relate to the political situation at all it was of a most casual kind?—Well, perhaps I was referred to as the member for Grey Lynn.
14. Something of the most negligible and unimportant nature?—That is so.
15. Will you please tell us what took place after you had had the drink at the bar?—Mr. McMaster took me by the arm and said, "Come along: I want to speak to you." We went into Mr. O'Connor's office, just in the vestibule between the front and back bars, I think.
16. Who showed you Mr. O'Connor's office?—No one. Mr. McMaster looked in there, saw it was empty, and simply walked in. Mr. McMaster sat down. He asked me to sit down. I forget really what opened the conversation, but something pretty general, I think. It was something to this effect: He said, "How are things going?" And he said, "You keep on as you are going. You have a better block"—meaning head—"than I have in some things; you keep on as you are, and you will be all right." That was practically all the conversation up to that point.



17. He was obviously referring, was he not, to the political situation in these preliminary remarks?—I understood so.

18. Will you please continue to relate the conversation?—Then he said, “What do you think? I have been authorized to offer you from £500 to £1,000 if you will go”—I think that was the word—“with the Ward Administration.” When he made that remark we sat facing each other, and I looked right past him—for this reason: he was evidently under the influence of liquor; and, again, I could not consider it as a direct offer in view of the words in which it was made.

19. Did you regard Mr. McMaster, when he made that statement to you, as responsible for his words?—No, I certainly did not.

20. Did you make any reply to his statement?—Not a single word.

21. Was it referred to again during the course of the conversation?—No.

22. You ignored Mr. McMaster’s remark entirely?—Entirely, for the reason I have stated.

23. And Mr. McMaster did not repeat it or again refer to it?—No.

24. Why did you not regard the suggestion that you might receive £500 or £1,000 if you voted in a particular way as an insult to you personally?—Because Mr. McMaster was under the influence of liquor.

25. And you thought he was not responsible for his words?—I certainly think so now.

26. Are you satisfied of the date—Friday, the 9th February?—Yes.

27. Why?—Because I arrived in Auckland on the Friday morning from Wellington, and left on the Friday night for Napier.

28. Did you see Mr. McMaster again that day—Friday, the 9th February?—No; but this is what occurred: He said, “I want you to go over and see Mr. Massey.”

29. Was that at the same interview?—Yes.

30. In the office of Mr. O’Connor?—Yes.

31. “I want you to go over and see Mr. Massey”?—That was immediately following what Mr. McMaster said about the £500 to £1,000. We got in my taxicab, and went over to the Auckland Club, and we saw Mr. Massey.

32. Where?—In a room in the Auckland Club.

33. The Strangers’ Room, I presume, at the Auckland Club? There were present Mr. Massey, yourself, and Mr. McMaster only?—A little later on Mr. W. H. Herries came in.

34. Will you narrate, as closely as you are able, the conversation which took place in the Strangers’ Room of the Auckland Club—first of all, before Mr. Herries came in?—As soon as Mr. McMaster got into the room, to the best of my recollection, he said, “I have brought Mr. Payne over to see you, Mr. Massey.” Mr. Massey replied, “Oh, I am before you. I have already seen him.” The conversation then was on general lines.

35. What do you mean by “general lines”? Did it relate to the manner in which you were, or ought, to vote on the no-confidence motion?—I could not recall the words, but it was generally understood as amongst us that Mr. Massey had already seen me and that the matter was fixed.

36. So there was very little, if any, reference to the political situation at this interview at the Auckland Club?—That is so.

37. I want you to explain the reference which Mr. Massey made at the interview in the Strangers’ Room of the Auckland Club—that he had been before Mr. McMaster?—I had already made an appointment with Mr. Massey that day to meet him at 2 o’clock in the afternoon and then give him my decision as to how I was going to vote. Probably I should give the incidents leading up to that.

38. I think you had better?—I was in the Trades Hall, at 28 Swanson Street, and Mr. Dickson came into the room where I was, and he said, “Here, I want you to come and see Mr. Massey.” We went to the Customs Building, and we went upstairs together. Just at that moment Mr. Massey was coming down the passage with several other gentlemen, which gentlemen, I understood, formed a deputation to the Public Works Office on account of some road business. We then came downstairs, and some of the gentlemen, as well as Mr. Dickson and Mr. Massey, with myself, went down Quay Street towards Queen Street. Some reference was made as to where Mr. Massey could see me, and Mr. Dickson suggested his office. We went over there. I then told Mr. Massey that I had intended to come to see him, because, from the way in which the *Dominion* had written down the tramwaymen during the strike, my position as a Labour member was very seriously compromised, and that before I could give him any further assurance that I would vote against the Ward Administration on a no-confidence motion I must see my chiefs of committees. Mr. Massey asked me to name a time when I could see him, and we mutually agreed upon 2 o’clock in the afternoon as being suitable. Following that interview I took a taxi, and I saw my chiefs of committees.

39. You spoke to the chiefs of your committees upon the matter with reference to which you had conversed with Mr. Massey?—Yes.

40. Did you return to meet Mr. Massey at the time named?—I did.

41. Where did you see him?—In Mr. Dickson’s office again, a little after 2 o’clock—probably a quarter past—on the same day, the 9th February.

42. What took place at that interview? Who were present?—Mr. Dickson, Mr. Massey, and myself. I told Mr. Massey that I had had a conversation with my men, and they had evidently not seen any of the *Dominion* reports; and I told him that they had not suggested to me any reason for my breaking my pledge. So I was quite free to reassure Mr. Massey that I would vote with him on a no-confidence motion against the Ward Administration.

43. Was there any other interview between yourself and Mr. Massey, or between yourself and Mr. Dickson, or between yourself and Mr. McMaster, on Friday, the 9th February?—No, that was all, with the exception of the interview with Mr. Massey at the Auckland Club, which I have already narrated.

44. On behalf of which party in the country did you understand that Mr. McMaster was making the statement?—He said to me, “What do you think? I am authorized to offer you £500 to £1,000 if you will vote with the Ward Administration.”

45. He then asked you to go and see Mr. Massey?—Yes.

46. What impression was formed in your mind at the time as to whose emissary—

*Mr. Myers:* I object to that question. The witness can only say what happened, surely.

47. *Mr. Skerrett.*] Very well. I think the objection is a proper one. I will put it to you in this way, Mr. Payne: was anything said by Mr. McMaster at this interview which would show from which party he was the emissary?

*Mr. Myers:* My friend is rather leading the witness.

*The Chairman:* I do not think you can put the question in that form, Mr. Skerrett.

48. *Mr. Skerrett.*] Do you know, Mr. Payne, of any circumstance that would show as to which party Mr. McMaster was really associated with?—I have omitted one small matter. At the end of the interview at the Auckland Club, as we all rose and were leaving the room Mr. McMaster said, "We shall have that post-office at Richmond yet, and he will get the credit for it"—"he" meaning me.

49. Was Mr. Massey present when this was said?—Yes, we were all there, leaving the room.

50. Do you think it possible that the remark could have been made without Mr. Massey hearing it?—No, we were all three close together.

51. Did any part of the conversation take place in Mr. Herries's presence?—Mr. Herries was in the room for only a few minutes. The conversation was on general lines when he was there.

52. He would hear no part of what I may call the main part of the conversation?—He left the room.

53. Would you explain the facts about the Richmond Post-office?—When I was up there on the 9th February—

*Mr. Lee:* I think we are going too far now.

54. *Mr. Skerrett.*] Very well, I will not trouble about it. It is of importance, because it shows which party the gentleman belonged to who made the suggestion. I will not press it. You left Auckland, Mr. Payne, on the evening of Friday, the 9th, and went to Napier?—That is so.

55. We have heard all about that in connection with the previous imputation before the Committee. When was the next step in this matter?—The following Thursday, in Mr. Massey's office. I am not absolutely certain as to its being Thursday, but that seems to be the most likely day. Mr. Dickson has said it was Thursday, and I believe that is correct. It was either Wednesday or Thursday.

56. How did you come to go to Mr. Massey's office?—Mr. Dickson asked me to go and see Mr. Massey.

57. Where were you when Mr. Dickson made that request?—In one of the lobbies of the House of Representatives.

58. Did you at once go and see Mr. Massey?—I went with Mr. Dickson through the tube to Mr. Massey's office in the old Parliamentary Buildings.

59. What took place there? Were you, Mr. Dickson, and Mr. Massey the only persons present?—That is all, in the early part.

60. Will you please narrate the conversation in your own words?—It would be rather difficult for me to say what opened the conversation, but the intent of it was to ascertain how I was going to vote—was I still firm on the point, or something to that effect. Then I told Mr. Massey that I had heard to some extent the other side of the case and I was considering: I would not give him an answer then. He told me that if I did not remain true to my pledge I would commit political suicide, and he went on to say that he was responsible for three labour members being in the House.

*Mr. Myers:* I should like to know how this affects the matters that this Committee has to inquire into.

*The Chairman:* Admissions may have been made, for instance, before Mr. Massey or before Mr. Dickson bearing upon the subject. What we want to get are all the particulars in regard to this allegation.

*Mr. Myers:* Is it suggested that Mr. Payne at that interview made any admissions?

*The Chairman:* That is for Mr. Skerrett.

*Mr. Young:* Is not the question whether Mr. McMaster made the offer of a bribe? The charge is that that was made on the 9th February in Auckland. Might I suggest that anything that happened subsequently to that, unless Mr. McMaster was a party to it, is not relevant to this inquiry. Some conversation may have occurred between Mr. Dickson and Mr. Massey and Mr. Payne, but that ought not to be brought in to prejudice Mr. McMaster, because he was not there and could not have been a party to it.

*Mr. Skerrett:* I think that Mr. Young's objection is a proper one from Mr. Payne's point of view, but I would point out that it is really only a waste of time, because we shall have to go into this matter again on the other charge—relating to No. 1.

*Mr. Russell:* This charge is entirely separate.

*Mr. Skerrett:* Then I concede that a conversation which took place in a room where Mr. McMaster was not present ought not to be used as evidence against him. I will not press the question.

61. *Mr. Young.*] I understand, Mr. Payne, that you were opposed to the Hon. Mr. Fowlds?—Yes.

62. And Mr. Fowlds was opposed to the interests of the liquor trade?—He is supposed to be, yes.

63. And Mr. McMaster is a wine-merchant, is he not?—Well, I could not answer that.

64. Is he not very much interested in the trade?—I understand he is interested in a mineral-water business now, and has given up the wine and spirit trade.

65. I want to put it to you that Mr. McMaster was not much interested in politics as to one side or the other, but was interested in politics only so far as they affected the liquor trade?—I cannot answer that.

66. Was not that his attitude?—No, certainly not.

67. Was not the burden of his and his friends' complaint against Mr. Fowlds rather than in favour of the Opposition?—It was against Mr. Fowlds, yes.

68. When you had this interview with him on the 9th February did he not say, "There is a rumour that you are going to support the Ward Administration"?—No, he did not say that.

69. I thought he first saw you because he heard there was a rumour?—No.

70. Did he not say, "There will be a new election and Mr. Fowlds will get in if you do not keep to your pledge"?—No, I do not think so. I do not recall it at all.

71. If Mr. McMaster puts it in that way, do you not think it is likely to be correct?—No. I remember fairly clearly what took place. There were only a few words altogether.

72. Mr. McMaster's version of it is this: that he said to you, "I could get £500 if I could handle you." You put the words differently?—Mr. McMaster said to me, "What do you think? I am authorized to give you £500 to £1,000 if you vote with the Ward Administration."

73. Have you a definite recollection of the exact words used?—I have.

74. Then you will not agree with Mr. McMaster as to exactly what words were used, apparently?—Those words are what I say were used.

75. Mr. McMaster was in an excited state, I understand?—Yes, he was under the influence of liquor.

76. You thought it was that. Might it not have been that he was just excited with the idea of your breaking your pledge?—I did not know that there was any conversation about breaking my pledge then. It was not really known.

77. Was the matter not introduced in that way by his asking you the question?—No.

78. He was the secretary of your committee, was he not?—Yes.

79. I understand that you did not take it as a serious offer, did you?—I did not, in the circumstances I have already related.

80. And you did not ask him by whom the offer was made, or for whom he was acting?—The attitude I take is this: that you would knock a man down if he made such an offer when he was sober.

81. Do you not remember his saying anything about their being afraid that Mr. Fowlds might come back?—No.

82. *Mr. M. Myers.*] You met Mr. McMaster at the Thistle Hotel, Queen Street?—Yes.

83. By whom is that kept?—By Mr. Maurice O'Connor, I think.

84. Did you know him before that day?—No.

85. Were you introduced to him that day?—Yes, by Mr. McMaster.

86. Do you know whether or not Mr. O'Connor is an acknowledged supporter of the Ward Administration?—I could not tell you whether he is.

87. You said yesterday, if I remember rightly, that you spoke to two gentlemen in Auckland with whom you were associated in connection with the election about this offer?—Yes; that was in the evening.

88. Of what day?—Friday, the 9th February.

89. Who were the gentlemen to whom you spoke?—Mr. Durbridge, chairman of my Richmond Committee, and Mr. Cathie, my chief of committees.

90. And you told them that an offer had been made to you?—Yes. We had a general conversation. This post-office rumour was mentioned.

91. You also said yesterday that you told Mr. Massey an offer had been made to you?—That was in these buildings.

*Mr. Young:* In Mr. McMaster's interests I ask that that be not introduced. Mr. Myers is not acting for Mr. McMaster. I must take exception.

*The Chairman:* I think Mr. Young's contention is sound.

*Mr. M. Myers:* Then I shall ask the Committee to put this question: Did Mr. Payne tell Mr. Massey that he did not take the offer seriously, or that it was made by a person under the influence of liquor?

*Mr. Skerrett:* I object to that.

*The Chairman:* I cannot have it.

*Mr. Lee:* I would move that we get any evidence which will clear up the question whether Mr. Payne seriously thought this was an offer or not. We have his conversation with Mr. Massey and we have his attitude in the House. It has a material bearing.

*Mr. Skerrett:* May I point out that I asked a question relating to the interview with Mr. Massey and was at once stopped. It is obviously unfair that I should be stopped from leading the whole of the interview and that cross-examination should be allowed upon it.

*The Chairman:* I have stopped Mr. Myers, on Mr. Young's objection.

*Mr. M. Myers:* If you press it, of course I abandon the question. What I say is this, that what Mr. Payne said to Mr. Massey was the cause of the whole of the trouble that arose.

*The Chairman:* That may be, but it is a reflection on Mr. McMaster, and he was not there.

*Mr. M. Myers:* May I point out that this question does not reflect on Mr. McMaster? The sole question is this that I ask to have put: Did Mr. Payne tell Mr. Massey when he spoke about this offer that the offer was made by a person who was under the influence of liquor, or that Mr. Payne did not take it seriously?

*The Chairman:* That opens up the whole thing. You cannot put the question.

*Mr. M. Myers:* Then I ask Mr. Payne this: Did you tell your Auckland friends by whom the offer was made?

*Mr. Young:* I submit that that is equally objectionable to us. We are not to be tried by hearsay.

*The Chairman:* I rule that Mr. Myers cannot put that question.

92. *Mr. Fraser.*] You said that when Mr. McMaster made this proposal or suggestion to you you did not consider he was quite conscious of what he was saying?—I said that he was certainly under the influence of liquor. In the House I made the statement that he was in a drunken, half-maudlin condition, or half-drunken.

93. You also told us that Mr. McMaster accompanied you to see Mr. Massey?—Yes.

94. What state was he in when he walked with you to Mr. Massey's room?—He went with me in a taxicab. He walked in all right. A man is drunk if he cannot walk. A man may be able to walk about.

95. You mean that he was mentally incompetent, but physically able to walk about without having the appearance of being drunk?—He had had a considerable quantity of liquor, I judged.

96. You are quite clear on that point?—I am quite clear that Mr. McMaster was certainly under the influence of liquor. What the stage was I am not prepared to say.

97. *Mr. Nosworthy.*] You say that Mr. McMaster was under the influence of liquor when he went into the room with you and Mr. Massey?—Yes.

98. Decidedly under the influence?—I will not allow you to put words into my mouth. I say he was under the influence of liquor.

99. *Mr. Russell.*] Do I understand that after Mr. McMaster had made this statement to you—that he could get from £500 to £1,000 if you would vote with the Ward Administration—he then proposed that you should accompany him to see Mr. Massey?—Yes.

100. Did it occur to you that that was an utterly inconsistent position?—Well, for reasons already stated I did not regard Mr. McMaster seriously at all. You could not under the circumstances.

101. But could you conceive that a man would seriously propose to bribe you to vote for the Government in power, and then take you over to see the leader of the other party?—Well, from my political experience I am not very much surprised at anything.

102. You have not had so long an experience as some of us in politics. I think a good many of us would never have supposed that. Did you, when Mr. McMaster made this statement to you, seriously think and feel that he was prepared to give you £500 or £1,000 if you would give him a pledge that you would vote with the Ward Government?—I could not say. I did not treat the matter seriously at all.

103. *Mr. Allen.*] If you did not treat the matter seriously, why did you mention it to your committee?—The two gentlemen that were there formed the executive of my Scheme 45 League.

104. What has that got to do with the bribe?—It has this to do with it: we were speaking on confidential terms of various matters, and in the course of that conversation I mentioned that Mr. McMaster had said this about the bribe.

105. Why did you mention it in the House if you did not treat it seriously?—I was forced to mention it as a matter of evidence of what I said before Mr. Massey.

106. Why did you mention it to Mr. Massey if you did not treat it seriously?—You are leading up now to what Mr. Skerrett sought to ask. I want to tell the full story if you want to know that.

*Mr. Young:* Mr. Payne and Mr. Massey evidently want to clear this up by giving some explanation about a matter which may prejudice Mr. McMaster when Mr. McMaster has got nothing to do with it. Mr. McMaster is the only man on trial here, and I submit that other matters ought not to be introduced to clear up what somebody else wants clearing up.

*Mr. Payne:* I must object to the term “clear up.”

107. *Mr. Allen.*] I have asked the question, why, if you did not treat the matter seriously, did you mention it to Mr. Massey?—I must insist on relating the whole occurrence.

*Mr. Young:* Mr. Allen is referring to the occasion in this building when a conversation took place between Mr. Massey and Mr. Payne. That has nothing whatever to do with Mr. McMaster. Mr. Payne very promptly says that he will tell you all about it. But it is telling you all about it that I object to, because it does not concern Mr. McMaster. Mr. Payne is probably going on to say something which reflects on Mr. McMaster.

*The Chairman:* You object to the question on the ground that it may reflect on your client?

*Mr. Young:* On the ground that the answer may be something which reflects on my client, who was not present.

At this stage the Committee adjourned till 2.30 p.m.

On resuming,—

*The Chairman:* Mr. Allen, you were desirous of putting a question to Mr. Payne.

*Mr. Allen:* I do not want to put it.

*The Chairman:* Although, in my opinion, such a question would not be allowed in a Court of law, at the same time members know that I cannot control them in putting any questions they may desire, whether they be permissible in a Court of law or not.

*Mr. Allen:* I do not wish to press it, sir.

108. *Mr. G. M. Thomson.* I wish to ask Mr. Payne this question: You said Mr. McMaster was in a half-intoxicated position when he made the statement. Perhaps you will give us the exact words he used?—I said he was in a half-drunken, maudlin condition.

109. Was that before you had a drink with him or after?—After.

*The Chairman:* Mr. Young, do you wish to put your client in the box or to make any statement?

*Mr. Young:* Mr. McMaster has not anything to hide, but he does not wish to give evidence. Of course, if he is called he is ready to give evidence. You have heard the statement that he made the remark as a joke—the reference was made by way of a joke. That is all we have to say about it, unless the Committee wishes to ask Mr. McMaster any questions. The view put upon the remark by Mr. Payne we entirely admit.

*Mr. Allen:* Might I call your attention, sir, to the wording of our order of reference—“that the statement made this day by Mr. John Payne, member for Grey Lynn, to the effect that one McMaster, of Auckland, had been authorized to give the member for Grey Lynn,” &c. I do not know that the Committee want to know anything about the authorizing.

*Mr. Russell:* We have to inquire into the truth of the matter.

*The Chairman:* We will call Mr. McMaster.

CHARLES McMMASTER sworn and examined.

1. *Mr. Young.*] What is your name?—Charles McMaster.
2. And you were chairman of Mr. Payne's committee?—No, secretary.
3. I understand you are a wine-merchant?—That is so.
4. And you were opposed to Mr. Fowlds?—Yes.

5. Was that the chief reason why you took an interest in the election of Mr. Payne?—Decidedly.

6. Mr. Payne got in, and then there was a discussion as to whether he would keep his pledges or not?—That is so.

7. You saw Mr. Payne in Auckland on the 9th February?—Yes.

8. He says you were in an intoxicated condition: what do you say to that?—I absolutely deny it.

9. Will you tell us exactly what happened?—Hearing that Mr. Payne was in town I rang up his house in Parnell and asked them to convey a message to Mr. Payne that I wanted to see him, and that I would meet him at the Thistle Hotel between 3 and 4 o'clock if he could manage it. I met Mr. Payne as arranged. I introduced him to Mr. Maurice O'Connor and Mr. Tim O'Connor. We had a drink, and Mr. Payne called for port wine. I want to show that I was not drunk. It was near the end of the bottle, and Mr. O'Connor opened a fresh bottle and said, "That is Penfold's best—have that." I subsequently told Mr. Payne I would like to see him, and called him to the office of the Thistle Hotel. I asked him the question, Was it true that he was going to break his pledge? He said "No." I then said, "Will you come along to the Auckland Club with me, where we can find Mr. Massey."

10. You wanted to take him to tell Mr. Massey that he was not going to break his pledge?—Yes. We duly met Mr. Massey at the Club. I sat to the left near the door, Mr. Payne was opposite, and Mr. Massey was between us. I said to Mr. Payne, "Now that I have got you in front of Mr. Massey will you tell me if you intend to keep your pledge to vote against the Ward Administration in the vote of no-confidence?" His simple reply was "Yes." I said "Will that do, Mr. Massey?" and Mr. Massey nodded his head.

11. Mr. Payne's statement is that you made the offer at the hotel before you went to the club?—Yes, I went a little ahead of my story.

12. Where was this?—At the office of the Thistle Hotel.

13. That was before you went to Mr. Massey?—Yes. I said to Mr. Payne by way of a joke—and which he took as a joke—that I could get £500 if I could handle him. I distinctly draw your attention to this: that I mentioned no party.

14. We have heard from Mr. Payne that you said you were authorized to offer £500 to £1,000 if he voted against the Ward Administration?—I emphatically deny it.

15. You say your language was as you now put it?—I do, sir.

16. There was no further conversation on the subject?—None at all.

17. Mr. Payne is quite right when he said he thought it was a joke and treated it as such?—Quite correct.

18. Is it true that you were authorized by any party to make any offer at all?—None at all.

*Mr. Young:* Unless the Committee wish to know more from my client I will leave the matter there.

19. *Mr. M. Myers.*] You are in the licensing trade?—Yes, I hold a wholesale license in Auckland.

20. And you are also an aerated-water manufacturer?—Yes, secretary of the company.

21. So that you are connected with the trade in two ways?—Yes.

22. You were working throughout the election for Mr. Payne?—Yes.

23. Were you working as a supporter of Mr. Massey's party or in the interests of your trade?—Absolutely in the interests of my trade.

24. That is to say, you were working for Mr. Payne as against Mr. Fowlds?—Yes; I can prove that by one statement that Mr. Payne has overlooked. At the meeting in Richmond, at which Mr. Norgrove took the chair, Mr. Payne called out in the hall and asked me if I would become his chairman. I told him that my connection with the trade would do him injury, but I would act for him *sub rosa*. At the conclusion of the meeting I took him to my house and told him I would be his acting-secretary, and we had a glass with Mr. Thomson of Hennessy's Three-star together.

25. You introduced Mr. Payne to the Messrs. O'Connor?—Yes.

26. Did you happen to know that they are supporters of the Ward Administration?—They were like myself—they were working for the trade.

27. *Mr. Skerrett.*] I understand you to say that at the election you supported Mr. Payne as against Mr. Fowlds?—Yes, as he is a Prohibitionist.

28. It was because of Mr. Payne's opposition to Mr. Fowlds that you supported him?—Yes.

29. Was that the sole reason why you supported Mr. Payne's candidature instead of Mr. Fowlds?—Yes.

30. After the election the contest between Mr. Payne and Mr. Fowlds was terminated by the election of Mr. Payne?—Yes.

31. Mr. Fowlds was then outside the question altogether?—Yes.

32. Were you after the election a supporter of Mr. Massey?—No, sir.

33. Were you opposed to the Ward Government?—No, sir.

34. Will you be kind enough to tell me what reason you had for taking Mr. Payne into a private room and asking him if he was going to keep his pledge to vote against the Ward Government?—For this reason: that I was excited by people in the streets telling me that this man would "rat."

35. That was because you were secretary of his committee?—Yes.

36. Had you any conversation or previous interview with Mr. Massey with respect to your interviewing Mr. Payne on the subject?—Yes.

37. Had Mr. Massey desired you to interview Mr. Payne on the subject of Mr. Payne's keeping his pledge or not?—No; but he passed this remark: he said that he thought my man would not vote against the Ward Government.

38. What did you say then?—I said I believed he would.

39. Did you say you would see him and bring him along to Mr. Massey?—No.

40. You went to see him in order to induce him to keep his pledge to Mr. Massey?—Yes.
41. Do I understand you to say that the first question you put to him was in reference to keeping his pledge to vote against the Ward Government?—Yes.
42. And his answer was “Yes”?—Yes.
43. And did you then say you would take him along to see Mr. Massey?—I asked him if he would go.
44. How did you know where to find Mr. Massey?—I knew he always put up at the Auckland Club.
45. You say that you did not know he was at the Auckland Club at that time?—No.
46. Then you made your joke?—The joke was made at the Thistle Hotel.
47. After you had asked Mr. Payne whether he would go along to see Mr. Massey you perpetrated the joke?—I said that beforehand.
48. Did you perpetrate it before you asked him whether he would keep his pledge or not?—Yes.
49. Then you opened your conversation with this man by saying you could get a sum of £500 if you could handle him?—Yes.
50. So you commenced your conversation with a joke?—Yes.
51. Will you be kind enough to tell us, supposing Mr. Payne had assented to your proposition to receive £500 so that you might handle him, where the money would have come from?—The Lord knows.
52. We need not appeal to him: how would you have handled him?—It was said in a joke.
53. Where was the humour of the joke?—I cannot understand your interpretation of the word “humour.”
54. Where is the fun of the joke: will you kindly tell me where the amusement of the joke is?—It was a joke pure and simple.
55. I ask you how? Your next remark is, “Will you keep your pledge to vote against the Ward Government?”?—That is so.
56. And, “Will you come along and see Mr. Massey and tell him so?”?—Yes.
57. Did not these two remarks have a connection with your joke?—No.
58. They are entirely disconnected?—Yes.
59. Will you tell me how you came to make that joke?—Yes. We were under the impression at the time that there would be a dissolution of the House, and in discussion we thought that Mr. Payne would break his pledge, and we were against Mr. Fowlds.
60. You wanted to secure the seat in favour of Mr. Massey?—Yes.
61. You admit that Mr. Payne did not take any notice of your intimation?—None whatever.
62. You have heard his account of what took place with Mr. Massey at the Auckland Club?—Yes.
63. Is not his statement a fair account of what took place at this interview with the exception of this bribe?—No. I put the question to Mr. Payne, “Will you keep your pledge and vote against the Ward Administration?” in front of Mr. Massey, and he said “Yes.”
64. You say that the Ward Government was not mentioned in connection with the joke?—No.
65. The only direction which was mentioned in connection with the joke was that he would keep his pledge to vote out the Ward Government?—I do not understand the “direction.” I gave no direction.
66. Was any reference made to the post-office at the interview at the Auckland Club—the post-office at Richmond?—Yes. I told him that Mr. Fowlds had done nothing for us when elected. I said the reason why Mr. Fowlds had been beaten was that he had done nothing for Grey Lynn.
67. Did you say, in the presence of Mr. Massey and in the presence of Mr. Payne, that you would get the post-office at Richmond, and, placing your hands on Mr. Payne’s shoulder, “you will get the credit of it”?—I do not think Mr. Massey heard it. I said “Do not forget that we want the post-office there.”
68. So that Mr. Payne’s statement there has some foundation at any rate?—Yes.
69. Have you a piece of land in Richmond that you would like to sell?—No.
70. Have you said so?—Yes, my wife has a piece of property there.
71. Is it true that you positively deny that you ever made any offer of money to Mr. Payne with reference to the no-confidence motion?—Absolutely true, Mr. Skerrett.
72. You did say that you could get £500 if you could handle him?—Yes.
73. You do not regard that as an offer?—No.
74. Because it was made in joke?—Yes.
75. Do you recognize now that that form of joke is rather a dangerous form?—No.
76. *Hon. Mr. Millar.*] Where did you expect to get £500 from for handling Mr. Payne: what source did you expect to get it from if you could handle Mr. Payne?—From no source whatever.
77. What had you in your mind when you first brought out the question of £500?—I had nothing in my mind, but thought that Mr. Payne might break his pledge.
78. What connection has the breaking of his pledge with the £500?—I do not know.
79. Why were the two mixed up together?—I do not know.
80. You had no reason or motive, and had no idea where the money was to come from?—None.
81. *Mr. Fraser.*] Did you put that question about the £500 to Mr. Payne as a test to him to see whether he would be prepared to entertain such a proposal?—No, I just put it as a joke.
82. You have already stated, have you not, that no person had approached you or authorized you to offer any sum of money to Mr. Payne?—None at all.
83. *Mr. Russell.*] Did you say you held an official position on Mr. Payne’s committee?—Yes, secretary.
84. Of what committee?—Secretary of the general committee.
85. And you went into it not for political purposes, but because you were against prohibition?—For trade purposes.
86. Had not the whole question of prohibition been settled at the first ballot?—No, sir.
87. Why not?—It had not been settled.

88. The local option poll had been entirely finished on the 7th December?—The ballot might have been finished, but Mr. Fowlds had not been finished.

89. What was Mr. Payne's position with regard to the majority: was he for the three-fifths majority or for the bare majority?—For the bare majority.

90. Was not Mr. Fowlds also for the bare majority?—Yes.

91. What was the difference between the two?—In the trade we consider Mr. Fowlds a most dangerous man.

92. So you beat him with another bare-majority man?—And we are very glad we did.

93. You say you were quite sober when you told Mr. Payne that you could get £500 if you could handle him?—Yes.

*Mr. Young:* Not to "give it to him."

94. *Mr. Russell.*] I want to get out what the witness had in his mind when he said "handle him"?—I had nothing in my mind. The question has been asked by another man.

95. You tell us that you were sober when you used those words?—Yes.

96. You must have meant something when you said you could get £500 if you could handle him?—I treated it just as lightly as Mr. Payne did.

97. What would a man ordinarily understand by that?—I do not know what an ordinary man would understand by it.

98. Supposing anybody said that to you, what would you understand by it?—I would ask him to put the money up.

99. You would understand that a man making the statement would put the money up and take your instructions as to how he was to vote?—Yes.

100. In other words, you were to drive the team and he was to be the horse?—That is the construction you put on it.

101. Had you discussed this question of Mr. Payne's position with any other person?—No.

102. Had anybody said anything to you as to his being doubtful?—Yes, some of the members of the committee.

103. And had it been suggested that some pressure should be brought to bear upon him?—Yes, that I should bring some pressure.

104. What was the nature of the pressure you were to bring to bear?—I wrote him a letter so as to show that I had something to show as to whether he intended to keep his pledge.

105. *Mr. Sherrett.*] That letter was not subsequent to this interview?—There is a copy of the letter here. It was subsequent to our meeting in Auckland.

106. *Mr. Russell.*] When you rang him up and asked him to meet you between 2 and 4, was it in pursuance of the request that had been made that you should bring some pressure to bear upon him: were you carrying out the wish of the others?—No.

107. Then, how did they agree to bring pressure upon him—only by the letter?—Yes.

108. What answer did you get?—None.

109. *Mr. Reed.*] I think you said you were annoyed on account of your position as secretary to the general committee by people asking you whether Payne was going back on his pledge?—I was.

110. How was that—you said you had every confidence that Payne would not?—Because in the short time I had become acquainted with Payne I felt sure he would.

111. Did those remarks annoy you then?—They did.

112. Was that previous to your meeting at the Thistle Hotel?—Yes.

113. Was your meeting at the Thistle Hotel quite apart from that?—Quite apart from the people annoying me.

114. What was the primary object of your meeting?—It was to ask Mr. Payne personally, so that I could go back to the people who bailed me up in the street and say that he would keep his pledge.

115. Even though you had confidence in him, on account of the people annoying you by asking questions you had arranged that meeting at the Thistle Hotel to get a direct answer as to whether he was going to keep his pledge or not?—Yes.

115. Even though you had confidence in him, on account of the people annoying you by asking you by people asking questions in the street—that was in your mind? Will you explain what you meant with that in your mind?—Up to that time Mr. Payne had not broken his pledge, and I thought he would keep his pledge, and that I would have the laugh at others. That is the reason why I made the joke.

117. You said that in your mind you were annoyed at the remarks made outside to you?—Yes.

118. That was in your mind when you brought about this meeting?—Partly.

119. You had this in your mind at the time you met Mr. Payne and made the remark as to the £500?—Yes.

120. Is there any connection between the two?—No.

121. None at all?—None at all.

122. What did you mean by that—first of all the handling of him, and the £500—who was to get the £500?—I was.

123. Then you were to get £500 if you could handle him?—No.

124. As far as the licensing is concerned, or general politics, what did you mean by "handling"?—It was just a jocular statement.

125. You said £500 would come to you if you could handle him: was that handling him in general politics or in licensing matters?—I could not explain that to you, because I had no idea of either purpose.

126. And as soon as you got his assurance that he was not going to break his pledge you went up to the Auckland Club and saw Mr. Massey?—I did.

127. *Mr. Vigor Brown.*] May I ask a question. Had you any offer from me directly or on my behalf?—None whatever.

128. *Right Hon. Sir J. G. Ward.*] I would like to ask the witness, through the Chairman, whether at any time Mr. McMaster had any offer, or was it suggested by the Government, directly or indirectly, of any money?—None whatever.

129. *Mr. M. Myers.*] Or from the Opposition?—No.

130. Have you seen the statement contained in the extract from minutes of the House about £1,000 as the amount that Mr. Payne had been squared for?—There was no offer—none whatever.

131. *The Chairman.*] I take it that this suggestion came purely from yourself, not from any suggestion made by any person to you?—Yes, not from either side.

132. *Mr. M. Myers.*] The Opposition candidate had been defeated at the first ballot, and was not in the second ballot?—Yes, that is so.

133. And you supported Mr. Payne from first to last, at the first ballot and in the second?—Yes.

134. *Mr. Veitch.*] In the matter of the word “handle” a good many questions have been asked: was there any connection between the word “handle” and the purchase of the ground for the proposed post-office?—No, sir.

135. *Mr. Skerrett.*] Mr. Payne desires to ask whether Mr. McMaster had ever suggested to Mr. Payne that he would support him only in the interests of the trade?—Yes, I told him that.

WILLIAM FERGUSON MASSEY, M.P., recalled.

1. *Mr. G. M. Thomson.*] I want to ask whether it was the case that Mr. McMaster was in a half-intoxicated state when he came along to you?—I saw no sign of intoxication when Mr. McMaster came to me.

2. *Mr. Young.*] Did you notice whether Mr. McMaster was in an excited condition?—No, I saw no sign of it.

3. Was he not excited at the idea of Mr. Payne breaking his pledge?—He was annoyed. After the interview between Mr. McMaster, Mr. Payne, and myself, Mr. Payne said he had no intention of breaking his pledge.

4. Was he not excited when he heard the rumours, and afterwards was satisfied?—Yes, he was very much annoyed the first time, then afterwards very much satisfied.

5. *Mr. Allen.*] Was he excited as much as he is to-day?—Not so much, I think, as to-day.

6. *Mr. Russell.*] You spoke of two interviews?—Yes.

7. What difference of time was there between them?—Four or five hours. Mr. McMaster was Mr. Payne’s secretary, and Mr. Payne informed me when I saw him in the morning that he was going to see his chairman and secretary.

8. You saw Mr. McMaster in the morning and subsequently in the afternoon?—Yes. I do not think there was any suggestion of the sort. It was just a casual meeting in the street.

9. *Mr. Reed.*] At that meeting was Mr. Payne’s attitude discussed, in the morning?—It was suggested, but Mr. McMaster said he was satisfied that Mr. Payne was going to keep his pledge.

10. You heard in the morning that Mr. McMaster was annoyed, and that he was afraid that Mr. Payne was going to break his pledge?—He said something of the sort.

11. *Mr. Skerrett.*] Were you aware at the interview at the Auckland Club between yourself, Mr. Payne, and Mr. McMaster that Mr. McMaster was then working in the direction of inducing Mr. Payne to keep his election pledges, whatever they were?—I scarcely understood it in that way. When they came up to the Auckland Club to see me, after a little conversation Mr. McMaster asked Mr. Payne, “Now, do you intend to keep your election pledges?” and Mr. Payne said, “Yes, certainly.”

12. You had a previous interview with Mr. McMaster?—Yes, that is so.

13. Very well, was not Mr. McMaster desirous that Mr. Payne should keep the pledge?—Yes, he was desirous.

14. Mr. McMaster was not then desirous of voting for the Ward Government?—I did not understand he was desirous of voting for the Ward Government.

15. He was sober?—Yes.

16. And you heard his evidence?—Yes.

17. Can you understand a perfectly sober man making the joke which he has sworn to making?—

*Mr. Lee:* That is not cross-examination, as far as I can see.

*The Chairman:* The point at issue is, was this man under the influence of liquor or not.

*Mr. Skerrett:* All the other counsel have cross-examined, why should I be debarred from my right to cross-examine? If the Committee rules me out of order, I submit, of course.

*The Chairman:* I rule that the question is permissible.

18. *Mr. Skerrett.*] Will you answer the question, Mr. Massey?—If I understood the position, there was a good deal of feeling about what Mr. Payne proposed to do. Rumours had got round that he intended to “rat,” and I heard of bets. I can understand that Mr. McMaster as secretary, hearing these remarks, saying, “I could probably get £500 for his vote in a certain direction.”

19. You can understand a joke of that kind?—I have heard so many suggestions made that I am not surprised at anything in politics.

20. When you heard it in the House you did not regard it in that way?—Mr. Payne did not say to me he understood it as a joke when the offer was made to him.

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