

## A BREACH OF PRIVILEGE

### BIBLE-IN-SCHOOLS METHODS

We take the following from the Dunedin 'Evening Star' of September 1. It was supplied by our local evening contemporary's Parliamentary reporter:—

Dr. Gibb, president of the Bible-in-schools League, recently wrote to Mr. A. W. Rutherford and Mr. Witty, who voted against Mr. Sidey's Bible-in-schools Bill, stating that they had broken their pledges to the electors regarding the Bible in schools, having stated that they would support a referendum on Bible-reading. The writer stated that the League's organising secretary (Mr. Myers) would visit their electorates and publish Messrs. Rutherford and Witty's broken pledge throughout both constituencies. The matter will be brought up as a breach of privilege this afternoon by Mr. Rutherford, in view of the threat at the end of Dr. Gibb's letter. As a matter of fact, the members for Hurunui and Riccarton stated that they would support Bible-reading, while Mr. Sidey's Bill provided for teaching. Mr. Rutherford has written a reply, stating that he has broken no pledge, and sarcastically thanking Dr. Gibb for his promise.

The following correspondence has passed between the Rev. Dr. Gibb and Mr. A. W. Rutherford, M.H.R., this being the letter on which Mr. Rutherford bases his motion for breach of privilege. A similar letter has been received by Mr. Witty from Mr. Gibb:—

'Dear sir,—It is my duty as president of the Bible-in-schools League to bring to your notice the fact that you have broken a pledge to remit the question of Bible-reading in schools to the people of the Colony. The following is a copy of the letter you sent to Mr. Flesher, secretary of the Canterbury branch of the League, in 1902:—

'Dear sir,—Replying to yours, although generally opposed to the Referendum, I think that the question of Bible-reading in the State schools is one which ought to be remitted direct to the people for decision.—Yours truly, A. W. Rutherford.'

'As soon as our agent reaches your electorate, which he will presently, we shall do the best to make your breach of faith public. Your letter to Mr. Flesher will be read at every meeting we hold in your region, and equal prominence will be given to the fact that you voted against the second reading of Mr. Sidey's Bill.—Yours truly, James Gibb'

To this Mr. Rutherford replied:—

'Upon due consideration, I am of opinion that the exception I made in favor of Bible-reading in schools was a grave mistake. However, I would point out that it was not a pledge made to my electors, to whom, so far as I am aware, I have broken no pledge. I have therefore to tender you my sincere thanks for your kindly intention to give prominence to the fact that I am opposed to Bible-reading in the public schools, also to a Referendum being taken on the subject.—Yours truly, A. W. Rutherford'

In Parliament.

The further course of the affair is described as follows by the Parliamentary reporter of the Dunedin 'Evening Star' in its issue of September 2:—

During the course of yesterday afternoon's business,

Mr. Rutherford said he had received a letter (published yesterday) from the Rev. Dr. Gibb, which he proceeded to read, also his reply thereto. Although not material to a breach of privilege, he would point out that his pledge was not broken. What he objected to, and what he had been advised was a breach of privilege, was the

Threat Conveyed in Dr. Gibb's Letter.

He understood that another member of the House had received a similar letter.

The Premier asked for a ruling as to whether there had been a breach of privilege.

The Speaker said that that was for the House to decide.

The Premier said there could not be much doubt on the point, and he quoted a case where Sir Maurice O'Rorke, as Speaker, had ruled that a letter addressed by Sir Walter Buller to the late Sir John M'Kenzie was a breach of privilege.

Mr. Witty then read the letter received by him from Mr. Gibb, which was similar to that received by Mr. Rutherford, except that it was stated that Mr. Witty's letter to Mr. Flesher 'would be read to meetings in his (Mr. Witty's) district, with appropriate comments.'

'Your reply?' asked several hon. members; but Mr. Witty's reply was silence. The letters were then handed to the Speaker.

The Premier said that while he deeply regretted the necessity for the motion he was about to make, he thought the House would be wanting in its duty to itself and in its protection of free speech, if they allowed what had transpired to pass unnoticed. The members for Hurunui and Riccarton had very properly brought the letters under the notice of the House. The present case was exactly on all-fours with that ruled on by Sir Maurice O'Rorke when Sir W. Buller wrote to Sir John M'Kenzie, except that in the latter case stronger language was used. He therefore moved that a breach of the privileges of the House had been committed by the Rev. Dr. Gibb, this

### Resolution

reading—'That the letters addressed to Messrs. Rutherford (member for Hurunui) and Witty (member for Riccarton) by the Rev. Dr. Gibb on 28th August, 1905, are a breach of the privileges of this House.'

Sir William Russell asked if this was really a breach of privilege. If this were constituted a breach of privilege, would they not also have to notice the comments of newspaper correspondents on the way that members of the House voted?

Mr. Witty: It is a threat—a threat to defeat me at the next election.

Sir Wm. Russell disagreed, and said that if notice were taken of it the House should take notice of newspaper articles also.

Mr. Duthie said that the matter was a trivial one. His own actions in the House had been commented on adversely from the pulpit, but he never took any notice of that. Dr. Gibb's action was, he admitted, very indiscreet and improper, but it was not worth noticing.

Mr. Rutherford (warmly): 'I protest against being dictated to by an arrogant, intolerant, religious bouncer such as the Rev. James Gibb. He can send his agent to my district, and do his best. He should have lived 200 or 300 years ago, when he would have had the privilege of roasting us, as his Presbyterian ancestors did, or would have liked to have done. I think an Act of Parliament should be passed to prevent these people from writing to members of Parliament.' Mr. Rutherford concluded by saying that the Noxious Weeds Act should be amended, and such parsons brought under the first schedule.

'Political Parsons,'

he went on to say, 'are the curse of this country, and the curse of any other country.'

Mr. Witty: 'They are trying to go back to the Dark Ages, to be threatened by a fellow like that. They are going to make appropriate comments. No doubt they will if they are like the rev. gentleman. The Lord help those who are under such men as the so-called Dr. Gibb.' After reading extracts to show he had not broken his pledge, Mr. Witty said: 'Let them threaten me outside. We are simply going to be ruled by fanatics if we allow them to have their way. As my fellow-member says, he's a regular clerical bouncer.'

Mr. Massey: I don't think a breach of privilege has been committed.

The Premier: It was a menace.

Mr. Massey: I don't think it was intended as a threat by Dr. Gibb. Mr. Massey proceeded to quote May in support of his contention, and said that if the matter in the letters were as strong as what some Government newspapers had said about himself, they would have something to talk about.

Mr. Laurenson: What about me?

Mr. Massey moved the previous question, with the object of preventing anything being done in the matter.

Mr. Rhodes seconded.

The Premier (speaking to this amendment) said that the letters contained a menace by a gentleman leading the agitation upon the Bible-in-schools question. The high position held by Dr. Gibb should not cause the members to forfeit their freedom. He only intended to go as far as to see that the House expressed its regret at the action of Dr. Gibb. Mr. Massey, by moving 'that the question be not put up,' was applying the gag, which, added the Premier, is exactly what Dr. Gibb would do. In days gone by it would be followed by the Inquisition and the rack. It was premeditated, and he could show in the newspapers where this had been threatened. He was sorry to have to be called on to do this, because some little time ago he had had some disagreement with Dr. Gibb, and it might be held that this present action had been caused by that past friction.

Mr. Massey's motion was then put, and lost by 36 to 29, and the Premier's motion affirmed that

(Continued on page 15.)

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