

## MINUTES OF EVIDENCE.

WEDNESDAY, 6TH OCTOBER, 1897. (The Rt. Hon. R. J. SEDDON, Chairman.)

Hon. Sir MAURICE O'RORKE, Speaker of the House of Representatives, examined.

1. *Mr. Guinness.*] On the 14th July you received the resignation of Mr. Ward: did you on that date know or have any intimation of his bankruptcy?—I did not know of his having become bankrupt at the time I received that telegram, the 14th July. But perhaps I ought to state to the Committee what took place previous to that. I think the Committee should know the whole of the circumstances leading up to my becoming aware of the intended resignation of Mr. Ward. On Thursday, the 8th July, I received a short telegram from Mr. Ward, which I intended to produce to-day, but on account of the detention of the mail from Auckland I am not able to do so. [Afterwards produced.] On the 8th July I received a telegram from Mr. Ward informing me that he had forwarded to me the resignation of his seat, and stating that his resignation would reach me on the following Saturday, the 10th July. The letter did not arrive on the Saturday, nor on the following Monday morning, and I then telegraphed to Mr. Ward—on Monday, the 12th July—that his resignation had not reached me, but that it was competent for him, if he wished it, to resign by a telegram. I was anxious, as the vacancy was pending, that it should appear in the following Thursday's *Gazette*, and that was the reason why I suggested that he might telegraph his resignation. On the Tuesday, I think, I received a telegram from Mr. Ward tendering his resignation, which it appeared to me was not quite correct, because it did not appear to have been made, as the law requires, before a Justice of the Peace. I telegraphed to Mr. Ward asking him if it had been signed or delivered at the telegraph-office before a Justice of the Peace, and he replied that it had not; but on the following day, Wednesday, the 14th July, in the morning, I received the resignation by telegram which Mr. Ward informed me had been made in accordance with the law. I directed his attention in a previous telegram to the law affecting resignations by wire. Having received that communication on the 14th July, I sent a notification of the vacancy for the *Gazette* to be issued on the following day—Thursday. I may say that a good deal of inquiry was being made about the matter, and I was anxious that the resignation should be gazetted as soon as possible, and I despatched a telegram to Mr. Otterson intimating that the resignation should appear in that week's *Gazette*. In the afternoon I received the written resignation which has been handed in. That came under cover of a letter from the Hon. Mr. McKenzie. I then waited to make sure that the notification appeared in the *Gazette* before I issued instructions for the issue of the writ, and on Friday I sent by letter the warrant to the Clerk of Writs to issue the writ, and with that my connection with the matter ended.

2. Have you ever received any official notice of Mr. Ward's bankruptcy?—No.

3. *Mr. Montgomery.*] Did you have any unofficial notice of the bankruptcy?—No. I knew it was pending, but, in fact, I was not aware it was in the same *Gazette* with my notification of the vacancy until it was brought under the notice of the House on the second day of the session. It seems that the notification of vacancy and bankruptcy appeared in the same *Gazette*. The resignation on which I gazetted the vacancy was the telegram dated the 14th July.

4. Can you tell us, from your own knowledge of the House and its procedure, whether a resignation is complete when it is sent to or received by the Speaker, or at any subsequent time?—My impression was that it was complete when it was received by the Speaker.

5. Do you know of any cases of resignations having been revoked on the way?—No.

6. *Captain Russell.*] Supposing a written resignation was sent to you, and that before it reached you a telegram was forwarded to you recalling the letter: what would you do in that case?—I think I would have consented to the withdrawal, but it might be that I would consult the Law Officer before doing so.

7. *Rt. Hon. Mr. Seddon.*] As a fact, you did not receive any intimation that the written resignation which you were apprised was on its way was asked to be withdrawn?—No; I did not know what was the cause of the delay or where the letter was. I thought it was coming direct from Invercargill from Mr. Ward. It was not until I issued notice of the vacancy that I became aware that the resignation came through the Hon. Mr. McKenzie.

8. You did not receive any communication, except from Mr. Ward, that the resignation was on its way?—No.

9. *Hon. Mr. Rolleston.*] But if it reached you on the 10th, the bankruptcy would have been prior to it?—I understand now the bankruptcy took place on the 8th. That was the date Mr. Ward telegraphed to me that he had sent his resignation to me. On Thursday, the 8th, he sent a telegram stating that he had resigned, and that his resignation would reach me on Saturday, the 10th.

10. *Rt. Hon. Mr. Seddon.*] In gazetting the bankruptcy on receipt of the resignation, the resignation would date back to the date of the resignation itself?—My impression is that the resignation was not completed until the Speaker received it, and the notice of vacancies contains both the date of the member resigning and the date of the Speaker receiving it.

11. Still, the resignation would be *de facto* from the date the member had written under his hand his resignation. A member may resign his seat in writing?—Yes; the law says the seat becomes vacant if a member resigns to the Speaker.

12. The act of resignation is the signing of the same and at the time it is done?—My impression is that it was not complete until received by the Speaker. Evidently it was the intention of Mr. Ward, I now presume, that, as a member of the House, he should, before the misfortune of bankruptcy befell him, divest himself of his membership.