

1901.
NEW ZEALAND.

PRIVILEGES COMMITTEE.

(REPORT, ON THE PUBLICATION IN THE DUNEDIN *EVENING STAR* OF CERTAIN EVIDENCE GIVEN BEFORE THE GOLDFIELDS AND MINES COMMITTEE OF THE HOUSE OF REPRESENTATIVES, TOGETHER WITH MINUTES OF PROCEEDINGS AND EVIDENCE.)

Brought up 6th September, 1901, and ordered to be printed.

ORDERS OF REFERENCE.

Extracts from the Journals of the House of Representatives.

WEDNESDAY, THE 28TH DAY OF AUGUST, 1901.

Ordered, "That a Committee of Privilege be appointed to inquire into and report on the matter of the publication in the *Dunedin Evening Star* newspaper of the 23rd day of August instant of certain evidence taken before the Goldfields and Mines Committee of this House; three to be a quorum; with power to call for persons and papers: the Committee to consist of Mr. Speaker, Hon. Major Steward, Mr. Fisher, Mr. Pirani, and the mover."—(Hon. Sir J. G. WARD.)

FRIDAY, THE 30TH DAY OF AUGUST, 1901.

Ordered, "That the question of the publication of further evidence of the Goldfields and Mines Committee in the *Dunedin Evening Star* on the 27th instant be referred to the Privileges Committee appointed on the 28th instant for consideration and report."—(Hon. Mr. McGOWAN.)

REPORT.

1. Your Committee have the honour to report that they have inquired into the matter remitted to them by the order of reference of the 28th day of August, 1901, in regard to the publication in the *Dunedin Evening Star* on the 23rd day of August of certain evidence given on the 15th day of August before the Goldfields and Mines Committee of the House of Representatives; and also into the matter remitted to them by the order of reference of the 30th day of August, 1901, in regard to the publication in the issue of the same newspaper of the 27th day of August of certain further evidence given before the same Committee on the 22nd day of August.

2. A considerable amount of evidence has been taken.

3. Mr. Albert Elias Cohen, representative in the Press Gallery of the *Evening Star*, admitted before your Committee that he forwarded in both instances to the said newspaper the evidence the publication of which is complained of. He stated before the Committee that "the evidence was obtained in a thoroughly honourable manner, and that no amount of pressure would induce or compel him to state the source of his information," adding, however, that he had not obtained it from the Clerk of the Goldfields and Mines Committee, nor from the shorthand reporter, but that "the report had got into his hands."

4. Your Committee beg to report that in consequence of this refusal they are unable to state by whom the evidence was communicated to Mr. Cohen, and, in accordance with precedent, they now inform the House of the fact that a witness—namely, the said Albert Elias Cohen—is in possession of material evidence which he has declined to disclose to your Committee.

5. The publisher of the *Evening Star*, Mr. John George Moody, appeared before your Committee. He admitted the publication in that newspaper of the evidence on the dates above stated, but said that, as such publisher, he had no knowledge of the contents of the newspaper prior to publication. He, however, pleaded that the publication of the matter in question was in the public interest.

6. Under these circumstances, your Committee submit that the House should now determine as to what steps should be taken in regard to the above matters.

6th September, 1901.

WM. J. STEWARD, Chairman,

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MINUTES OF PROCEEDINGS.

THURSDAY, 29TH AUGUST, 1901.

The Committee met, pursuant to notice, at 5.30 p.m.

Present: Mr. Deputy-Speaker, Hon. Major Steward, Mr. Fisher, Mr. Pirani, Hon. Sir J. G. Ward.

The Clerk read the order of reference appointing the Committee.

On the motion of the Hon. Sir J. G. Ward, seconded by Mr. Deputy-Speaker, the Hon. Major Steward was elected Chairman. And the Chairman having taken the chair,—

Resolved, on motion of Mr. Pirani, That the following persons be summoned to attend before this Committee for the purpose of giving evidence: namely, The Chairman, the members, and the Clerk of the Goldfields and Mines Committee; the reporter who reported the evidence given before that Committee upon the petition of H. E. Easton; Mr. H. E. Easton; Mr. W. R. Cook; and Mr. J. G. Moody, publisher of the Dunedin *Evening Star* newspaper.

Resolved, on motion of Mr. Pirani, That the Hon. Sir J. G. Ward be asked to consider the advisability of the House meeting at 2.30 o'clock to-morrow, instead of 10.30, in order to enable this Committee to sit during the forenoon.

The Committee then adjourned.

FRIDAY, 30TH AUGUST, 1901.

The Committee met at 10 a.m.

Present: Hon. Major Steward (Chairman), Hon. Sir J. G. Ward, Mr. Deputy-Speaker, Mr. Pirani, Mr. Fisher.

The minutes of the previous meeting were read and confirmed.

The Hon. C. H. Mills, and Messrs. Palmer, Lang, Fraser, the Hon. J. McGowan, Messrs. Herries, Carncross, Bennet, Gilfedder, Guinness, and Millar were examined by the Committee, as members of the Goldfields and Mines Committee, and their evidence was taken down by a shorthand reporter.

Mr. Albert Edwin Briggs, shorthand reporter, was examined, and his evidence was taken down by a shorthand reporter.

Mr. James Izett, Clerk to the Goldfields and Mines Committee, gave evidence to the Committee, and put in certain documents, and his evidence was taken down.

It was subsequently resolved that the hearing of the remainder of Mr. Izett's evidence be adjourned for the purpose of enabling him to obtain from the Government Printer the copy of certain evidence now being printed at the Government Printing Office.

Messrs. H. E. Easton and A. R. Perston were examined, and their evidence was taken down.

Mr. W. R. Cook also gave evidence, which was taken down.

Mr. A. E. Cohen, parliamentary reporter of the Dunedin *Star*, having been called, read and put in a statement, and answered certain questions.

And witnesses having withdrawn, the Deputy-Speaker moved, and the question was proposed, That this Committee do now adjourn.

Mr. Pirani moved, That the question be amended by the omission of all the words after the word "That," and the insertion of the following words in lieu thereof: "this Committee report to the House the fact that a witness, Mr. A. E. Cohen, has refused to state from whom he received the information the publication of which has been declared a breach of privilege.

And the question being put, That the words proposed to be omitted stand part of the question, the Committee divided, and the names were taken down as follows:—

Ayes, 3.—Hon. Sir J. G. Ward, Mr. Deputy-Speaker, Hon. Major Steward.

Noes, 2.—Mr. Pirani, Mr. Fisher.

So it was resolved in the affirmative.

And the original question being put it was resolved in the affirmative.

Resolved, That this Committee do now adjourn.

Resolved, That this Committee do meet again on Wednesday next, the 4th day of September, at 10.30 a.m.

The Committee then adjourned.

MONDAY, 2ND SEPTEMBER, 1901.

The Committee met at 10.30 a.m.

Present: Hon. Major Steward (Chairman), Mr. Deputy-Speaker, Hon. Sir J. G. Ward.

The minutes of the previous meeting were read and confirmed.

On motion of Mr. Deputy-Speaker, *Resolved*, That the following persons be summoned to attend the meeting of the Committee on Wednesday next, the 4th September, for the purpose of giving evidence: namely, the Chairman, members, and Clerk of the Goldfields and Mines Committee, Mr. A. E. Briggs (shorthand reporter), Mr. A. E. Cohen, Mr. A. R. Perston, Mr. William Holsted, Mr. Howes, and Mr. H. E. Easton.

The Clerk read the order of reference, referring the question of the further publication of evidence in the Dunedin *Evening Star* of the 27th August, to this Committee for consideration and report.

Mr. John George Moody, publisher of the Dunedin *Star*, gave evidence before the Committee, and the said evidence was taken down by a shorthand reporter.

The Committee then adjourned.

WEDNESDAY, 4TH SEPTEMBER, 1901.

The Committee met at 10.30 a.m.

Present: Hon. Major Steward (Chairman), Mr. Deputy-Speaker, Hon. Sir J. G. Ward, Mr. Fisher, Mr. Pirani.

The minutes of the previous meeting were read and confirmed.

The Chairman read to the Committee certain written answers to written questions which he had submitted to Mr. J. A. Millar, M.H.R., and Mr. W. C. F. Carncross, M.H.R., on the 3rd September. On motion of the Hon. Sir J. G. Ward, *Resolved*, That the said questions and answers be received in evidence by this Committee.

The following persons were examined by the Committee, and their evidence was taken down by a shorthand reporter: namely, Messrs. J. Colvin, M.H.R.; R. McKenzie, M.H.R.; and the Hon. T. Y. Duncan, M.H.R.

Mr. James Izett was further examined, and put in certain documents, and his evidence was taken down.

Mr. A. F. Lowe, Second Clerk-Assistant of the House of Representatives; Mr. J. Palmer, M.H.R.; and Mr. W. R. Cook were also examined by the Committee, and their evidence was taken down.

Mr. A. E. Cohen was further examined by the Committee, and answered certain questions, and his evidence was taken down.

On motion of Mr. Fisher, *Resolved*, That a sub-committee, consisting of the Chairman and Mr. Pirani, be appointed to prepare for the consideration of the Committee at its next meeting a draft report for presentation to the House.

Resolved, That this Committee at its rising adjourn until 10 o'clock to-morrow.

The Committee then adjourned.

THURSDAY, 5TH SEPTEMBER, 1901.

The Committee met at 10 o'clock.

Present: Hon. Major Steward (Chairman), Mr. Fisher, Hon. Sir J. G. Ward, Mr. Pirani, Mr. Deputy-Speaker.

The minutes of the previous meeting were read and confirmed.

On motion of Mr. Fisher, *Resolved*, That the Chairman be instructed to inform Mr. J. G. Moody that, as he has admitted the offence which is being inquired into by this Committee, the Committee cannot certify to any voucher for his expenses.

Resolved, That the amounts payable to Messrs. H. E. Easton and A. R. Perston for absence from employment be reduced to 15s. per day.

Mr. James Allen, M.H.R., gave evidence before the Committee, and the same was taken down.

The Chairman from the sub-committee appointed to prepare a draft report for consideration by the Committee brought up a report, and the same was read, and certain amendments therein were made by the Committee, and the said report as amended was adopted by the Committee, and is as follows:—

1. Your Committee have the honour to report that they have inquired into the matter remitted to them by the order of reference of the 28th day of August, 1901, in regard to the publication in the *Dunedin Evening Star* of the 23rd day of August of certain evidence given on the 15th day of August before the Goldfields and Mines Committee of the House of Representatives; and also into the matter remitted to them by the order of reference of the 30th day of August, 1901, in regard to the publication in the issue of the same newspaper of the 27th day of August of certain further evidence given before the same Committee on the 22nd day of August.

2. A considerable amount of evidence has been taken.

3. Mr. Albert Elias Cohen, representative in the Press Gallery of the *Evening Star*, admitted before your Committee that he forwarded in both instances to the said newspaper the evidence the publication of which is complained of. He stated before the Committee that "the evidence was obtained in a thoroughly honourable manner, and that no amount of pressure would induce or compel him to state the source of his information," adding, however, that he had not obtained it from the Clerk of the Goldfields and Mines Committee, nor from the shorthand reporter, but that "the report had got into his hands."

4. Your Committee beg to report that in consequence of this refusal they are unable to state by whom the evidence was communicated to Mr. Cohen, and, in accordance with precedent, they now inform the House of the fact that a witness—namely, the said Albert Elias Cohen—is in possession of material evidence which he has declined to disclose to your Committee.

5. The publisher of the *Evening Star*, Mr. John George Moody, appeared before your Committee. He admitted the publication in that newspaper of the evidence on the dates above stated, but said that, as such publisher, he had no knowledge of the contents of the newspaper prior to publication. He, however, pleaded that the publication of the matter in question was in the public interest.

6. Under these circumstances, your Committee submit that the House should now determine as to what steps should be taken in regard to the above matters.

Resolved, That the Chairman be directed to present the said report to the House to-morrow, together with the minutes of evidence and proceedings of this Committee.

On motion of Mr. Pirani, *Resolved*, That the Chairman be authorised to order the printing of one hundred copies of the said report, for circulation, after the same shall have been ordered by the House to be printed.

Resolved, That the Chairman be authorised to confirm the minutes of this meeting.

The Committee then adjourned.

MINUTES OF EVIDENCE.

FRIDAY, 30TH AUGUST, 1901.

Hon. C. H. MILLS examined. (No. 1.)

1. *The Chairman.*] What is your name?—Charles Houghton Mills.
2. You are a member of the Mines Committee?—Yes.
3. Were you present at meetings of the Committee held to inquire into the petition of Mr. H. E. Easton?—Not each time.
4. You were present at some of the sittings of the Committee?—Yes.
5. You are aware that this Committee has been set up to inquire into the manner in which certain evidence given before that Committee reached the *Evening Star*, of Dunedin, and was published in it?—Yes.
6. Did you communicate to any person, for the purpose of publication or otherwise, any evidence that was taken during the time you were present at the meetings of the Committee?—No.
7. Have you seen the published evidence which is the subject of complaint?—No, I have not seen it.
8. Do you know at all by what means the newspaper obtained that evidence?—I have not the slightest idea.
9. So far as you are concerned, you gave no information?—None whatever.
10. Did you at any time have a copy of that evidence for your own perusal or use?—No.
11. Therefore it is not possible that you could have left any such copy about which any person might have had any access to?—I have never seen the evidence at all; I only heard part of it, when I was present once or twice.
12. Then, you can give us no information on the matter?—None whatever.

JACKSON PALMER, M.H.R., examined. (No. 2.)

13. *The Chairman.*] What is your name?—Jackson Palmer.
14. You are Chairman of the Mines Committee of the House of Representatives?—Yes.
15. You are aware of the circumstances under which this Committee has been set up—the object of our investigation?—Yes.
16. Can you give us any information as to the way in which the evidence given before the Mines Committee which was published in the Dunedin *Evening Star* was obtained by that newspaper?—No; I do not know how it was obtained.
17. Did you yourself communicate the evidence in question to any person for the purpose of publication or otherwise?—No, I did not. But we have spoken to one another about it in the lobbies.
18. You mean the members have spoken to one another?—Yes.
19. Did you have in your possession at any time a typewritten copy of the evidence?—Yes; as Chairman I had half a dozen copies for the use of members of the Committee.
20. Did you leave any one of those copies anywhere where a person might have had access to it?—They were left about the Committee-room. That is one of the things I mentioned in the House—namely, that we have not got a Committee-room to ourselves. We cannot lock up all the books in connection with Mr. Easton's petition.
21. You refer to the Mines Committee-room?—Yes.
22. Committee-room L?—It is marked "Mines Committee-room" on the outside.
23. You have reason to believe that copies of evidence were left lying about in that room?—Yes. We have not got that room all to ourselves. We left some copies in that room.
24. You left them in the room?—Yes.
25. Of course, it is possible that some person might have had access to those copies?—Quite possible; for, as I say, we have not got a Committee-room to ourselves. Other Committees use that room.
26. Is it not your practice, in a matter of this kind, to take the documents away when you finish your sittings?—Where would we take them to? At present we have several cases of books there.
27. You take no pains to ensure that evidence given before your Committee shall be secure from prying eyes? Do you not hand it over into the custody of your clerk?—The clerk looks after the room. I must say that I have every confidence in him and the shorthand-writer.
28. Notwithstanding which, you think it possible that copies of evidence may have been left about?—It is possible; I do not say they have been, but I do not want to say they have not been left about when they might have been there.
29. Can you give us any further information on this subject?—I had a conversation with Mr. Cook before the Committee sat on the Monday morning following the publication of the evidence by the newspaper, and he told me that one of the members of the House had told him that there was an account of evidence given before the Mines Committee in the Friday's issue of one of the Christchurch papers—I think he said the Christchurch *Press*—and the Dunedin *Star*. It struck me as being strange that a member should know on the Monday morning what was published in a southern paper issued on the Friday evening.
30. Which Monday do you refer to?—The Monday following the Dunedin *Star*'s publication of the evidence.
31. I am informed that the evidence which was published in the Dunedin *Star* on Friday, the 23rd August—not Saturday—was that which was taken by the Mines Committee on Thursday,

the 15th August?—The date I refer to was the Monday following the publication of the evidence by the *Star*. It struck me as being strange that a member should know so soon, and I asked Mr. Cook if he would kindly tell me the name of the member who told him, but this he declined.

32. *Mr. Guinness.*] Is there not a lock to the door of the Committee-room?—Yes; but we cannot keep the room locked up, because the members of the other Committees that meet in that room want to get in. Then, again, that room is an exceedingly cold one, and if it is locked no one can get in to light a fire. If a fire is not lighted till we get there in the morning we have to sit in a room that has not been warmed.

33. *Mr. Fisher.*] I understood you to say that you had a large number of books in the Committee-room?—Yes; two cases of books were brought up from Dunedin by Mr. Holsted, one of the witnesses, and a very large tin case, full of books, was sent up from Dunedin through the Express Company.

34. Do you require the cases to hold your minute-book?—The books that I refer to are those produced by witnesses.

35. But the minute-book?—No, we do not require cases to hold that.

36. Could not the clerk take possession of the minute-book and the documents after the proceedings of the Committee had terminated?—He had possession of that book, and also the letter-book.

37. Did you not say that those books were left about in the room?—No; the clerk had charge of them. I referred to the books exhibits in the evidence.

38. You say that copies of the minutes of evidence were left lying about?—Yes; I have seen them.

39. When the Committee was not sitting?—Immediately after the rising of the Committee.

40. You say that minutes of evidence, if not the minute-book, were left lying loosely about after the Committee had finished its sittings?—Sometimes we finish our sittings after 1 o'clock, and the members hurry off to lunch. We do not care to stay and see about the books then.

41. I understood you to say that, after the business of the Committee was over, you have seen the evidence lying about on the table?—Yes.

42. Do you think that is right or wrong?—If you will give us another room, so that we can lock it up when we go away that will get over the difficulty; but to stay behind to collect the books and evidence and do without dinner is a thing that I, at any rate, am not going to undertake to do.

43. Did you not think it part of your duty as Chairman to see that the clerk took possession of the evidence and the minute-book?—He always had possession of the minute-book, except when he handed it to me to be signed.

44. And the evidence also?—The clerk would not always have possession of the evidence, because he had to hand it round to the different members. I am a member of several Committees, and I may say that the clerk to the Mines Committee is more particular about the evidence than the clerks of most of the Committees that I am on.

45. I think I am not getting a definite answer to my question. I ask the Chairman of the Committee whether to his knowledge, after the proceedings of the Committee had terminated, the evidence was allowed to lie loosely about in the Committee-room?—I told you, and cannot explain any better than I have, that after the Committee had risen sometimes the evidence was left for a while on the table in the Committee-room.

46. You say that, in consequence of the inconvenience of the room and the want of proper accommodation, the evidence was allowed to lie about loosely on the table in the Committee-room?—If we had had a room entirely to ourselves it would not have mattered how the evidence was allowed to lie about. I could have locked the room and gone away with the key in my pocket, leaving the evidence perfectly safe.

47. I quite understand that different things could have been done under different circumstances: what I want to know is what actually happened?—I will tell you what happened. One day, when the clerk had been called away, we rose at about ten minutes past 1. I was called away to the Upper House, and the room was left for, I suppose, twenty minutes. The witnesses had not all left on that occasion when I went away. I could not say what happened then.

48. Can you tell us what date that was?—No, I could not. When I came back I found all the witnesses had gone, and I put the key of the room into my pocket.

49. You could not say, I suppose, whether the evidence was there or not when you left?—No.

50. Do you think it was a proper thing to leave the room open in that way?—We were doing our best under adverse circumstances. We had been sitting from 10 o'clock in the morning, and could not be expected to go back after dinner.

51. Who made the complaint to you about the publication of the evidence?—Mr. Cook.

52. On the Monday morning?—Yes.

53. Who brought the matter before the Committee?—Mr. J. Allen. He moved that it was a breach of privilege—or, rather, he moved that I should report it to the House.

54. *Mr. Pirani.*] Who got the copies of the evidence that have been transcribed officially from the Chairman of the Committee?—Each of the members that have asked questions got a copy.

55. Of the whole of the evidence, or only that part of it where the member asked questions?—He got the whole of the evidence, because it was not all noted who asked the question.

56. Have you a record of those who got the evidence?—No, unless the clerk has.

57. Did anybody besides a member of the Committee get a copy?—Yes, Mr. Easton and Mr. Cook got copies of each other's evidence. Mr. Cook said that specific charges had been levelled against him, and that it was not fair to him unless he got a copy of those charges, and I concluded that it was only fair and just to Mr. Cook that this should be done. Mr. Easton made a similar request, and they both got copies of the evidence that you see published in the paper.

58. Did anybody besides them get copies?—No; no one besides them.

59. Do you remember if this was the evidence that was published in the newspaper?—I looked through that evidence published, and consider it is substantially correct.

60. And the evidence published was practically given to about half a dozen members of the Committee, to Mr. Easton, and to Mr. Cook?—That is so.

61. So that, independent of any possible leakage there may have been from the room, there were at least eight other persons who could have given the *Dunedin Evening Star* the evidence which has been published?—That is so.

62. *Mr. Fisher.*] You have seen the evidence that is printed in the *Dunedin Evening Star*: what is your impression of that? Does the report purport to be the evidence taken before the Committee, or is it only a *précis* of the actual report taken by the shorthand reporter of the Committee?—It seems to be to me the actual shorthand-writer's report, and it appears to me to be pretty substantially correct.

63. *The Chairman.*] Is it what is known as a "first person" report?—Yes. Perhaps I ought to tell the Committee that Mr. Easton had his brother-in-law there in charge of his documents, and that Mr. Cook had a Mr. Howes with him acting also as clerk.

64. Was each of those persons supplied with a copy of the evidence?—No.

65. *Sir J. G. Ward.*] Could they not have been given copies without you knowing it?—Yes.

66. *Mr. Fisher.*] Have you found anything to satisfy you as to how the evidence reached the *Evening Star*?—No. I was going on with my inquiries when this Committee was set up.

WILLIAM FRASER, M.H.R., examined. (No. 3.)

67. *The Chairman.*] You are a member of the Goldfields and Mines Committee?—Yes.

68. According to the minutes, you were present at the meeting of the Committee on the 15th August?—I was.

69. Had you heard the evidence which has since been published?—Yes.

70. As a matter of fact, do you think that is a fair report or transcript of the evidence?—I should fancy that the person who put that into the newspaper must have had a typewritten copy of the evidence.

71. Did you, or did you not, supply a copy of that evidence to any person connected with the *Dunedin Evening Star*?—No, certainly not.

72. Nor put into their possession one of the copies of the evidence?—No. I could not have done so, because I never had a copy of it. A copy was never sent to me.

73. Have you formed any idea as to the way in which that evidence was obtained by the *Dunedin Evening Star*?—No. The only conclusion I can come to is that some person who had possession of a copy gave it to the reporter, unless it was obtained surreptitiously.

74. Is it a fact that copies were left lying about at any time in the Committee-room?—I was never in the room except when the Committee was sitting. The papers were left lying about, but whether the clerk collected them together after the Committee rose or not I could not say.

75. As a matter of fact, you do not know whether they were left lying about?—No.

76. *Sir J. G. Ward.*] Was there another Committee using the room?—I am not aware of it. We sat pretty regularly on that Committee. After the Financial Statement was laid on the table I think we sat pretty nearly every day.

77. *Mr. Guinness.*] Do you know if any Committee used that room between the 15th and 23rd August?—No, I do not.

78. *Mr. Fisher.*] It is partly suggested that the inconvenience of the room—the coldness and unsuitability of the room—in some way accounts for this evidence appearing in the *Dunedin Evening Star*: do you concur in that suggestion?—I concur in the suggestion that it was exceedingly inconvenient and cold, but I do not know what that has to do with documents going astray, except in the way that Mr. Palmer says. I am not aware whether the clerk locked the documents up in a cupboard.

79. You are of opinion that the evidence was taken and published in a surreptitious way?—Yes, certainly some person must have taken it.

80. And you know nothing about how it was obtained?—No.

81. Did you observe any laxity in connection with the custody of those documents?—No. I suppose it was the business of the clerk to gather the documents together when the Committee rose.

82. Did you at any time visit the Committee-room when the Committee was not sitting and see documents lying about?—No.

Hon. J. McGOWAN, Minister of Mines, examined. (No. 4.)

83. *The Chairman.*] You are a member of the Goldfields and Mines Committee?—Yes.

84. Your name appears in the minute-book as having been present at the meeting of that Committee on the 15th August, when it was inquiring into a petition presented by Herbert Easton?—Yes; I was there a portion of the time.

85. Did you communicate any of the evidence that was taken during the time you were present to any person for publication in the *Dunedin Evening Star*?—No.

86. Had you at any time in your possession a printed or typewritten copy of the evidence taken that day?—I think I had none in my personal possession, although I saw a copy in the hands of another member, and also saw copies of the evidence lying on the table.

87. You did not, I presume, hand one of those copies to the representative of the *Dunedin Evening Star*, or to any other person?—No.

88. Do you think it possible that any person could have possessed himself of one of those copies?—I think it is possible.

89. You heard the evidence of the Chairman of the Committee, who gave us to understand there were occasions on which copies of the evidence were lying about in the Committee-room: is that within your own knowledge?—That would hardly convey the exact position, unless you consider that the copies were lying about when they were on the table after members of the Committee had been using them. I do not think there was any want of care in reference to the copies that would convey the meaning that they were "lying about."

90. What I really meant was this: at the rising or after the rising of the Committee had you any reason to believe that copies of the evidence were left upon the table?—That I could not say.

91. It is not within your knowledge?—No, because I generally left before the other members. I was generally the first away. On the particular day on which this evidence was given I left the room before the Committee had risen, so far as my recollection goes.

92. But, for all you know to the contrary, it is possible that a copy or copies of the evidence might have been left on the table?—Yes.

93. *Mr. Fisher.*] You say it is possible that the evidence might have been allowed to lie around loosely in that way?—It comes back to what one means by the word "loosely." Copies of the evidence were on the table. I myself saw a copy on the table. I do not know what number of copies there were in the room, but I know that members examined on a copy or copies of the evidence.

94. Would the fact that the room was an inconvenient one, as the Chairman calls it, account for the loss or publication of this evidence in the newspaper?—The room is an inconvenient one, but I think the position has been explained. The secretary of the Mines Committee was also acting, I understand, as secretary of another Committee, and at different times other Committees have had to sit in this room. That is what I have heard.

95. Then, to that extent there was laxity in the proceedings of the Committee, so far as the custody of its documents was concerned?—I am not prepared to say there was laxity; but if there are any documents which are not locked up, and two Committees are sitting in the one room, then there is an opportunity for the examination of papers.

96. Would the fact of the room itself being inconvenient account for the publication of this evidence in the *Evening Star*?—It would not account for the publication, but it might be an aid to any one having the opportunity of obtaining a copy or portion of the evidence.

97. Then, if a person were disposed to act in a clandestine manner the inconvenience of the room would help him?—The want of a proper place in which to put the documents might do so.

98. Then, the clandestine proceeding on the part of any person would explain the whole matter?—I am not prepared to say whether it was clandestine or not.

WILLIAM HERBERT HERRIES, M.H.R., examined. (No. 5.)

99. *The Chairman.*] You are also a member of the Goldfields and Mines Committee?—Yes.

100. Were you present at a meeting of the Committee on the 15th August, when this evidence was given?—Yes.

101. Did you or did you not communicate that evidence to any one for publication, or supply a copy of it to any person connected with the *Dunedin Evening Star*?—No.

102. Was there at any time in your possession either a typewritten or printed copy of that evidence?—Yes; I had a typewritten copy to correct, as I had put questions to one witness. I gave it to Mr. James Allen to correct, as he had asked questions too, and then I put it in a sealed envelope and gave it to a messenger of the House, and told him to give it into Mr. Izett's own hands.

103. Can you give this Committee any information, or express any opinion, as to how the evidence was obtained which was published in the *Evening Star*?—No. I can only say I believe, with Mr. Fraser, that it was taken from the typewritten copy. It is not a report of the meeting, but the actual typewritten transcript of the evidence.

104. *Mr. Fisher.*] And you agree with Mr. Fraser that this typewritten evidence has been obtained by some person, properly or improperly, and handed surreptitiously to the reporter of the *Evening Star*?—That I cannot say. I do not know how the reporter got it.

WALTER CHARLES FREDERICK CARNCROSS, M.H.R., examined. (No. 6.)

105. *The Chairman.*] You are a member of the Goldfields and Mines Committee?—Yes.

106. You were present at a meeting of that Committee on the 15th of August, when the evidence in question was given?—Yes, I was there.

107. Did you give any of that evidence to the representative of the *Dunedin Evening Star*?—I did not.

108. Do you know any one who did?—No.

109. Can you give this Committee any information or guidance in this matter?—No.

110. Do you agree with the evidence given by previous witnesses that the report in the newspaper is not a *précis*, but a copy of the evidence taken?—It is not a *précis*, but is from the typewritten report of the proceedings.

111. Then, is it not your opinion that some person has become possessed of a copy of the evidence as reported before the Committee?—Yes.

112. Could any other person have supplied the copy other than a member of the Committee?—There were others besides members of the Committee who had typewritten copies of the evidence.

113. Who were they?—The two witnesses, Mr. Easton and Mr. Cook. I believe there were on this occasion some six copies taken.

114. Were any strangers admitted during the time that evidence was being taken, outside of members of the Committee, the Committee's officers, and the two witnesses?—I have seen members of both Houses present.

115. Could any of the members have obtained one of the copies of the evidence after the Committee had risen?—I do not think that at all likely.

116. Did, in your opinion, a copy of the evidence reach the *Dunedin Evening Star* through one of the members of the Committee, one of the two witnesses, or through the officers of the Committee? Is there any other person who could have given it?—I think not.

117. *Sir J. G. Ward.*] The statement has been made that there were two clerical assistants present, one attending Mr. Easton and the other Mr. Cook?—Yes; I saw one gentleman present on behalf of Mr. Easton.

118. To your knowledge, did any other person take a shorthand note of the proceedings?—I am sure he did not.

119. *Mr. Fisher.*] I suppose you attended most of the meetings of the Committee?—Yes.

120. Did you observe any laxity in the proceedings of the Committee?—No special laxity.

121. Was the typewritten evidence lying loosely about after the Committee adjourned?—No. All set to work gathering their books and documents.

122. Then, you would not attribute the appearance of the evidence in the *Dunedin Evening Star* of the 23rd August to any laxity in the proceedings of the Committee?—No. I am of opinion that it was designedly done.

JAMES BENNET, M.H.R., examined. (No. 7.)

123. *The Chairman.*] You are a member of the Goldfields and Mines Committee?—Yes.

124. Were you present at the meeting of the 15th August?—Yes.

125. Were you supplied at any time with a typewritten or printed copy of the evidence?—I had one in my hand for a few minutes in the room.

126. Did you or did you not supply to the reporter of the *Dunedin Evening Star*, or to any other person for publication in the *Dunedin Evening Star*, either your own statement of the evidence or a copy of the evidence?—No.

127. Do you know who did?—No; I have not the slightest idea.

128. You are aware, of course, that it has been brought under the notice of the House that the evidence did appear in the *Dunedin Evening Star*?—Yes; perfectly well.

129. Have you looked at the report in the newspaper since the question was raised?—No. Mr. J. Allen, when he had the paper in the Committee-room, said it was a true copy.

130. It has been stated by one witness—Mr. Palmer—that on occasions he has seen papers belonging to the Committee left lying in the Committee-room after the Committee had risen: have you seen that?—No; not after we left the room, because the papers would be put away.

131. You do not know whether they were actually put away?—No, I was not in the room after the Committee adjourned.

FREDERIC WILLIAM LANG, M.H.R., examined. (No. 8.)

132. *The Chairman.*] You are a member of the Goldfields and Mines Committee?—Yes.

133. Were you present at the meeting on Thursday, the 15th August, when certain evidence was given by one Mr. Cook before the Committee?—I might explain that I was only there on one or two occasions at the request of the Chairman to form a quorum. I was a member of another Committee that was more important so far as my own electorate is concerned. I was only at the Goldfields and Mines Committee for a few minutes on each occasion that I was present, so know very little about its proceedings.

134. We have it in evidence that the evidence taken on the 15th August has been published, but your name does not appear on the minute-book as having been present?—Yes.

135. Were you supplied, as were other members of the Committee, with a printed or typewritten copy of the evidence?—When I was there on one occasion I had a copy in my hand, when another member of the committee came in and formed the quorum—I think it was Mr. Colvin—and I handed my copy of the evidence over to him.

136. Did you or did you not supply any evidence to any person connected with the *Evening Star*, or to any other person, for publication?—No.

137. *Mr. Fisher.*] Was the Committee sitting with the typewritten matter lying loosely about the table?—Yes.

138. Did you at any other time visit the room when the Committee was not sitting, and see the papers lying about?—No; I was not in the room when the Committee was not sitting.

MICHAEL GILFEDDER, M.H.R., examined. (No. 9.)

139. *The Chairman.*] You are a member of the Goldfields and Mines Committee?—Yes.

140. Were you present at a meeting of that Committee on the 15th August?—No.

141. Were you subsequently supplied with a typewritten or printed copy of the evidence?—No; I never saw a copy of the evidence.

142. Did you give any information of any kind connected with the proceedings to any person?—No. I was not at the meeting when the evidence was taken, nor did I see a copy of it.

143. Do you know who did?—No.

144. *Mr. Guinness.*] Did you ever see a copy of the typewritten evidence of Mr. Easton or Mr. Cook?—No; I did not see the typewritten copies at all.

ARTHUR ROBERT GUINNESS, M.H.R., examined.

145. *The Chairman.*] You are a member of the Goldfields and Mines Committee?—Yes.

146. Were you present at a meeting of the Committee on the 15th August, when certain evidence was taken?—Yes.

147. Which evidence has since been published in the *Dunedin Evening Star*?—Yes.

148. Did you supply a report of that evidence to any person?—I did not.

149. Do you know who did?—I have no knowledge of any one who did.

150. Did you have at any time in your possession a typewritten or printed copy of that evidence?—Yes. I had a typewritten copy of the evidence given to me while I was sitting in the Speaker's chair. I looked at it, and afterwards put it into an envelope and gave it to a messenger to give to Mr. Izett, the clerk of the Mines Committee.

151. That is the only copy you had?—Yes.

152. Can you give us any explanation as to how that information reached the *Dunedin Evening Star*, or any opinion based on reasonable grounds as to how it got into the hands of the *Star* reporter?—I have not the slightest idea as to how it could have got into the possession of the representative of the *Dunedin Evening Star*. The only way in which it could be accounted for that I can think of is that the reporter must have got one of the typewritten copies of the evidence, or that a copy was made from that supplied to the Committee by some person or persons.

153. Who are the persons who, as a possibility, might have supplied that?—Either the shorthand-writer or the clerk of the Committee, or any of the members of the Committee who had access to or possession of a typewritten copy; or Mr. Cook or Mr. Easton, or the gentleman who came in with Mr. Easton and attended him on the Committee. On the Monday morning I noticed that this evidence, or a condensed report of it, had been published in the *Christchurch Press*. On coming into Parliament Buildings that morning I met Mr. Cook at the door and said, "Mr. Cook, they are publishing that evidence you and Mr. Easton have been giving. Do you know it is a breach of privilege? Have you been doing it?" Mr. Cook said, "No, I don't know anything about it." I said, "Whoever did it will get into trouble over it." At that time I had not seen the *Dunedin Evening Star* with this evidence in it.

154. *Mr. Pirani.*] Have you looked carefully through the evidence published in the *Evening Star*?—I have just glanced at it.

155. Do you know whether there are any questions that you asked in it?—I have not noticed.

156. How do you say you first knew the evidence was published?—Generally on Sundays I get the *Christchurch Press* and *Lyttelton Times* of the preceding Saturday by the steamer. On looking over the *Press* I noticed this evidence, and it then struck me that some one had done what I myself had done some three years ago—namely, supplied a member of the *Press* with the information.

157. *Mr. Fisher.*] Did you observe any looseness or laxity in the conduct of the proceedings of this Committee which would account for the publication of this evidence in the *Dunedin Evening Star*?—No, I observed nothing unusual. I know that Mr. Izett has been clerk of this Committee for several years, and that he has always been attentive and painstaking in looking after the documents of the Committee. I conclude that the same steps would be taken as were taken in the past, that when the Committee adjourned for the day the documents would be locked up, or that the Committee-room door would be locked when he went out of it.

158. The publication of this evidence cannot, then, be accounted for by laxity on the part of the clerk of the Committee, you think?—No. Of course, it might have come from that; but there are other ways by which it could have come out.

159. Does the alleged inconvenience of the room account, even in the most remote way, for the publication of that evidence in the *Evening Star*?—No, I do not think so.

JOHN A. MILLAR, M.H.R., examined. (No. 11.)

160. *The Chairman.*] You are a member of the Goldfields and Mines Committee?—Yes; but I have not been present at its meetings this session, with the exception of about ten minutes on either Thursday or Friday of last week.

161. Then, you were not present on the 15th August, when the evidence of Mr. Easton was taken in connection with a certain petition?—No.

162. Were you supplied with a typewritten copy of the evidence?—I have never seen a copy of it.

163. Then, you do not know how a copy of that evidence came to appear in the *Dunedin Evening Star*?—I have not the slightest idea in any shape or form.

ALBERT EDWIN BRIGGS examined. (No. 12.)

164. *The Chairman.*] Were you the shorthand-writer of the Mines Committee?—Yes.

165. Were you in attendance in your capacity as a shorthand-writer on the 15th August?—Yes.

166. Did you take a shorthand note of the evidence given that day in the matter of the petition of one Herbert Easton?—I did.

167. Did you supply a copy of your notes to any person other than the clerk of the Committee?—No.

168. Did you allow any person to take any copy for himself?—No. It would be impracticable for a shorthand-writer to make an intelligible transcript of another man's notes.

169. Did you allow your reporter's book to go out of your possession?—I may have left it behind at my office when I went home for my meals; otherwise it was not out of my possession.

170. In that case did you leave your office locked up?—It was.

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171. Could any person have had access to the office?—It might have been possible, because others knew where the key was kept.

172. Then, it is possible that you might have left the book in the office where some one else could have got access to it?—Yes; but no one who would be likely to make any use of it could have had access to it. My partner could have got it.

173. Who is your partner?—My partner is Mr. McGirr. He knew where the key was kept, and others employed about the premises might have known. The Committee met on Thursday, the 15th August, and concluded, I think, at 1 o'clock. I then went along to one of the refreshment-places, taking my note-book with me in my pocket, and when I got back to my office I started transcribing. At 5 o'clock I went home to dinner, leaving my note-book behind, and resumed again after dinner, and transcribed for three or four hours. I then went home to bed, resuming transcription again on Friday morning. I handed my transcript to the clerk of the Committee at about 5.15 p.m. on Friday, the 16th August. Three copies of the evidence given on the first day were typewritten under the Chairman's instructions.

174. How many hours altogether did it take you to transcribe your notes?—It took me about thirteen or fourteen hours typing the evidence and revising it. I had it completed before 5 o'clock on Friday, the 16th August, but as I had had instructions from the Chairman to get two copies of the petition typed I waited until I had obtained these copies before handing the transcripts in.

175. But what number of hours did it take you to write out the notes of this evidence?—About thirteen or fourteen. I could not say exactly.

176. How long was the book out of your possession locked up in your room?—Including the meal-hours, and the time I was in bed, about the same time.

177. Then, as a matter of possibility, some other person would have had time to copy the evidence out?—Yes; but, as I said before, it would be impracticable for any other person than myself to make an intelligible transcript of the Committee's proceedings.

178. You did not supply the *Dunedin Evening Star*, or any person, with a copy of the evidence for publication in the *Dunedin Evening Star*?—I only supplied the copies to Mr. Izett, the clerk of the Committee.

179. Had you anything to do with supplying typewritten evidence other than that supplied to the Committee?—I had nothing more to do with that particular evidence until after the date when it appeared in the *Dunedin Evening Star*.

180. Prior to it appearing in the *Evening Star*, are you able to give us any information as to how the *Evening Star* became possessed of a copy of the evidence?—I can throw no light on the matter at all.

181. *Mr. Pirani.*] Have seen the report in the *Evening Star*?—Yes.

182. Is that the same report of the evidence that you transcribed?—It seemed to me that it was made from one of the uncorrected typewritten copies, because I noticed the newspaper had one of the names printed wrongly (as I learned subsequently), though in the same way as I had transcribed it.

183. You made three copies of the evidence with one impression?—Yes.

184. Whom did you deliver them to?—To Mr. Izett, in the Mines Committee-room.

185. *Mr. Guinness.*] Was the whole of Mr. Easton's evidence-in-chief, before he commenced to examine, written or printed, or read to the Committee?—He read a good deal, but the portion he handed in—that is the portion I did not take down—amounted only to about four pages of the typewritten matter. It would be about one-third of his opening statement.

186. That written evidence of his was handed to you?—Yes.

187. And you kept it with your own notes?—Yes.

188. What did you do with it?—I handed it back with the transcript to the clerk.

189. What did you do with your own note book?—I have it in the office now.

190. *Sir J. G. Ward.*] Do I understand you to say that you keep your original shorthand notes?—Yes; they are always kept.

191. They are not returned to the Committee?—No, not unless they are called for.

192. Has that been the custom in parliamentary committee reporting?—Yes, so far as I know.

193. *Mr. Fisher.*] You are sure that the evidence printed in the *Dunedin Evening Star* is taken from one of the uncorrected typewritten copies you supplied?—I am tolerably sure of that, but could not say positively.

194. You are not in a position to say "Yes" or "No"?—I am satisfied in my own mind, but not sufficiently to swear it. As I said before, I spelt one of the names incorrectly in the transcript, and noticed that the *Evening Star* reproduced the error.

195. *Mr. Pirani.*] What name was it?—O'Kaye, and I have since been led to believe that it should have been O'Kane.

196. *Mr. Fisher.*] You made three copies of the evidence?—Yes, of the first day's proceedings, and six copies of the subsequent evidence.

197. Do you always supply duplicate copies?—Not unless they are asked for. These were taken by the Chairman's instructions.

198. That is unusual?—As a rule, only one copy is asked for.

199. Then, that is unusual?—Yes, to that extent. I have taken more than one copy for Committees before. I remember taking eight copies once.

200. But is it usual to take duplicate copies?—The usual thing is not to have more than one copy taken.

201. Of those three copies, did you hand a copy of the evidence you took to any person other than Mr. Izett?—No; I handed the three copies to Mr. Izett in one parcel.

202. And you did not supply one to any other person?—No.

203. Who asked you to supply the three copies?—The Chairman of the Committee.

JAMES IZETT examined. (No. 13.)

204. *The Chairman.*] You are clerk of the Goldfields and Mines Committee?—I have that honour.

205. Were you present in your capacity of clerk on the 15th August, when this evidence was taken?—I was.

206. Did you, or did you not, supply a copy of that evidence to any person for publication in the *Dunedin Evening Star*?—Certainly not.

207. You have heard it stated that three copies of this evidence was subsequently typewritten by the shorthand reporter and sent to you?—Yes.

208. What did you do with those copies?—The investigation into Mr. Easton's petition was in the nature of a series of charges laid against an accountant in Dunedin of the name of Cook, and when the petition came before the Committee and the charges were levelled against Mr. Cook he pleaded that they were all new to him and desired time for consideration, and requested that a copy of the petition should be furnished to him. The Committee ordered that a copy of the petition should be supplied to him. Thereupon three copies of the petition were typewritten, and subsequently the Chairman, in my hearing, told the shorthand reporter to supply three copies of the evidence taken that day, the 15th August. I thought it was an unusual thing to supply three copies, but, of course, that was not my business. The matter was important, and the Committee had to consider the evidence that was given carefully; consequently three copies were typewritten for the information of the Committee. Those three copies I received and laid before the Chairman at the next meeting of the Committee. Subsequently, in taking other evidence, six copies were ordered.

209. *Mr. Fisher.*] Whose evidence was contained in those three copies?—Mr. Easton's evidence and Mr. Cook's reply.

210. *The Chairman.*] What was done with those three copies?—The position was this: The witnesses were from Dunedin and were anxious to return, and I deemed it my duty to hurry up matters as much as possible. Consequently I took the first day's evidence, one of the three copies (I produce a copy of the evidence), and gave it to Mr. Herries, Mr. Allen, Mr. Fraser, and, I think, Mr. Guinness, for correction of the questions, being anxious to push matters forward as soon as possible. One copy went from one to the other.

211. But there were three copies which you laid before the Chairman, you say: what became of those three copies?—This copy which I gave to the members for correction I subsequently gave to Mr. Easton, and then to Mr. Cook, and finally it went to the Government Printer. The other copy you have before you now. The third copy has gone I know not where.

212. I want to be clear about this. There were three typewritten copies, of which you produce one?—Yes.

213. Another copy was given to certain persons for correction?—Yes.

214. That particular copy has been sent to the Government Printer, and is now in his possession?—Yes.

215. There remains a third copy, and you do not know where it is?—Yes.

216. You saw the third copy in the Committee-room, presumably, with the other copy?—Yes.

217. You account for two copies out of the three: did you ever see one of the three copies by itself in the room?—No. When the Committee met the papers were laid before the Chairman, and they were subsequently handed round the members of the Committee.

218. First of all, you say that when the three copies were sent to you, you placed them before the Chairman in the room?—Yes.

219. Then, you saw all the copies circulating among the members of the Committee present?—Yes.

220. Subsequently you handed one of the copies to Mr. Cook and Mr. Easton, among others for correction: is that so?—Yes.

221. That particular copy is now in the hands of the Government Printer?—Yes.

222. The second copy is here?—Yes.

223. Now, as to the third copy, after the Committee rose that day what became of that copy?—When the Committee rose, about a quarter or twenty minutes past 1, my practice was to go round the table and gather up all the papers in a bundle, and put them into my box and lock it. Whether all these three copies were on the table when I gathered up the papers I do not know. I gathered all the papers in a heap as quickly as I could, and locked them away in a box.

224. You did not take such particular notice as would enable you to say that you locked away those three copies?—I could not say that.

225. When did you next possess yourself of the papers?—The following morning.

226. How many copies were there then?—I could not say whether they were all there. About three or four days after I missed this copy. I then had occasion to go through the papers more or less carefully, and I found that there was a copy missing.

227. Then, you cannot give us any information as to what became of that copy?—I cannot.

228. Now, have you seen the report in the *Dunedin Evening Star* which is the basis of this inquiry?—Yes; I glanced at it casually.

229. Does it correspond with one of these typewritten copies?—I think it must have been taken from one of the typewritten copies.

230. You think it must have been taken from the missing copy?—Yes.

231. Who was the person who might have possessed himself of the missing copy?—Any person in the room might have got it.

232. Can you say positively that you did not leave by accident one of those copies behind in the room?—I might possibly have left one; but this evidence is in two parts, and it is scarcely possible I could have left both parts, and both appear in the paper. [Parts of evidence produced.]

233. Do you know whether any other Committee uses that room?—I produce the Committee Appointment Board, from which it appears that the Petitions Classification Committee sat there at 10 o'clock on the 21st August, and the Railways Committee at 10.30 on the same day.

234. So far as the board of appointment shows, the room was not used by any other Committee between the 15th and 21st August?—That is so.

235. You think it is quite impossible that the papers could have been left on the table for six days?—Yes.

236. *Sir J. G. Ward.*] With regard to the three copies that were typewritten, were the extra copies got in order to supply members of the Committee with the information?—Yes.

237. That was the specific object in supplying them?—Yes.

238. Why, later on, were six copies got?—I presume that three copies were not found to be sufficient. They were not ordered by me, nor was I consulted in the matter.

239. Then, that missing copy—the No. 3 to which you refer—you had no way of ascertaining whether or not it was left on the table when your papers were gathered up?—I think it is very improbable that it was left there.

240. You have no knowledge as to how this information got out to the Press?—I have no knowledge.

241. *Mr. Pirani.*] Did you not see the third copy you say was missing in the possession of Mr. Easton?—Not that I know of.

242. Did he not have a typewritten copy of the evidence that he was examining from?—I did notice that he had something, but not a typewritten copy of the evidence. It seemed to me to be a brief he had prepared.

243. Did you get back the copy of the evidence from the Printing Office?—Yes.

244. This is a copy of the evidence with corrections in Mr. Cook's writing, with his signature at the end of it [copy produced], so that the corrected copy cannot be at the Printing Office?—Then, I must have sent in the wrong copy to the Printing Office. This is the copy, no doubt, that I gave to Mr. Cook for correction. But I went through this myself, for there are some abbreviations in it, such as "*i.e.*," for "that is," and so on, which I corrected for the printer. Then I think I transferred these corrections to my own corrected copy.

245. *Mr. Fisher.*] That only accounts for two copies?—Yes.

246. That accounts for the copy Mr. Cook and the Committee had: what became of the other copy?—I can only say that we had three copies. There are two left and one is gone.

247. There were three copies: Mr. Cook had one, Mr. Easton had one, and the Committee had one?—No; Mr. Cook and Mr. Easton and the Committee had the same copy.

248. *Mr. Pirani.*] Your recollection is that only one copy was used to go round?—Yes.

249. What became of the other two copies?—I have one here.

250. Then, the other one must have got out of your possession?—Yes.

251. Have you any idea of the date when you first missed the one copy?—I think it would be about four days after it came into my possession.

252. That would be the 20th?—I am not sure about the time, but I did miss it.

253. It came into your possession on the 16th?—I think so.

254. When did you have a meeting of the Committee after that?—On the 22nd.

255. Do you think those three copies were in your possession right up to the 22nd?—I do not think so.

256. What did you do with the three copies when you first got them?—I put them on the table in front of the Chairman's place, so that he could see them when he came in.

257. Are you sure that on the 22nd the three copies were there?—No; they were not there.

258. *Mr. Fisher.*] After the 16th, when the shorthand-writer gave you the three copies of the evidence, what did you do with them?—I gave them to the Chairman.

259. *The Chairman.*] Your memory is incorrect: there was no meeting until the 22nd?—Then my memory is at fault.

260. *Mr. Fisher.*] The shorthand-writer handed you the three copies on the Friday afternoon about 5 o'clock; the next meeting of the Committee was on the 22nd. Can you remember what you did with the copies he gave you on the Friday? What happened between that time and the meeting of the 22nd?—I must have locked them up in my cupboard.

261. *Mr. Pirani.*] Do you think it is possible you could have shown these three copies to the Chairman?—He might have had them, because he had a key of the cupboard.

262. Are there only two keys?—I and the Chairman have keys, and Mr. Carncross also has a key.

263. Have you any recollection of telling the Chairman that you had received the copies of the evidence?—No, I have no recollection of doing so.

264. Have you any recollection of any conversation taking place between the two meetings of the Committee about the evidence at all?—No.

265. It was not discussed between you?—No, we had no discussion.

266. You said you missed the one document about four days after you got the whole of them?—Yes.

267. After you found it was missing, did you say anything to any one, or do anything?—When I found it was missing I concluded that some member of the Committee had probably taken it from the table, or got it from the cupboard, and was reading it, or that the Chairman had it. I did not report the matter to the Chairman until the question of its publication in the *Dunedin Evening Star* came up in the Committee. When that was brought up I told the Chairman that a copy of the evidence was absent.

268. He did not make any remark about it?—No. He was much engaged at the time.

269. *Mr. Guinness.*] You say that when you got the three copies you locked them up in the cupboard?—Yes.

270. You are sure you locked up all the three copies?—Yes.

271. When had you occasion to go to the cupboard again to get the copies out?—I would not be certain. I am in doubt whether I did not take out one copy at once and give it round to the members, as I said I did. I am in doubt whether I did that at once or later.

272. You have no recollection as to the date on which you distributed the copies for correction?—I would not be able to speak positively on the subject.

273. When the Committee met on the 22nd you were aware that one copy was missing?—Yes.

274. Did you report that to the Chairman?—No. I concluded it was being used by one of the members or by himself.

275. You did not ask whether any one had taken it?—No. I never dreamt that any one would abstract or purloin it.

276. When did you get back the copy corrected by the witnesses and members?—I got that back at a very early period, on account of my desire to get it to the printer.

277. Has there been any printed copy of this evidence obtained yet?—No. What was sent in to the printer has not been completed.

278. You heard Mr. Easton asking Mr. Cook some questions yesterday, and saw that he was examining from what appeared to be a copy of Mr. Cook's evidence?—I did not see any printed copy in his hands. I thought it was a brief he had prepared.

279. *Mr. Pirani.*] Is there not any record kept by the clerk of the Committee as to what becomes of the evidence? For instance, you hand the confidential evidence to a member of the Committee or to a witness: do you not keep a record of when it is sent out and when it is returned?—No.

280. *Mr. Guinness.*] You made a report to Mr. Allen on Monday, the 26th, that one of the copies of the evidence was missing?—Yes.

281. It is not usual on the Goldfields and Mines Committee when evidence is taken to order three copies of that evidence?—It is not.

282. Who gave the order for the three copies to be taken?—The Chairman.

283. Did you ask him whether more than one copy should be ordered, or was any resolution passed on the Committee that more than one copy should be typewritten, or did any member say that more than one was wanted?—No. I thought it followed from the fact that three copies of the petition were ordered to be printed.

284. *Sir J. G. Ward.*] You say that there were three copies of the petition ordered to be typewritten?—Yes.

285. Who ordered that to be done?—The Chairman. The application was made by Mr. Cook that he should be supplied with a copy of the charges levelled against him, and in order to enable him to have them the statement made by Mr. Easton was ordered to be typewritten.

286. Did Mr. Cook apply also for a copy of the evidence given by Mr. Easton? Were three copies of the petition and evidence ordered at the same time?—Yes, at the same time—on the 15th.

287. Now, with regard to the locking-up of the evidence: the evidence came to you on the 16th?—Yes.

288. I understood you to say earlier in your evidence that you are not sure whether you locked up all the copies of the evidence or not?—Yes, I am quite sure I locked them up.

289. You said you were not sure whether you locked up all the copies of the evidence with the other papers?—That is because I was in doubt whether I did not start to get one of the copies corrected at once. The other copies would be locked up.

290. What you said in your evidence was that you were in the habit of gathering your papers and evidence up and locking them in a box, but that you were not sure whether you locked up the evidence amongst your papers on the 16th?—I got the evidence on the afternoon of the 16th, and my every-day practice was to lock up all the papers on the rising of the Committee.

291. *The Chairman.*] In your previous evidence were you not referring to your usual practice on the rising of the Committee?—Yes. My practice then was to put all the papers together and lock them up. My answer previously given with regard to these particular papers referred to another matter—that was, that these three papers came into my possession on the 16th, a day on which the Committee did not sit, and they were therefore the only papers before me at that particular time.

292. Did you lock up those papers?—I either locked up two or three of them—that is to say, I might have taken one copy out for the purpose of getting it corrected, and then locked up the other two; or I might have locked all three copies up and taken one out almost immediately afterwards.

293. *Sir J. G. Ward.*] When these papers were locked up there were three keys to the box—one in your possession, one in the Chairman's, and one in Mr. Carncross's possession?—Yes.

294. You said they remained locked up from the 16th to the 22nd unless some one had removed them: had any member of the Committee or any witness an opportunity of correcting the evidence?—I have no doubt I had one copy out to take round for correction for the printer.

295. You are quite sure there was only one copy sent out?—Yes.

296. You are equally sure that the copy we have with Mr. Cook's corrections is that one? Are you quite sure the one in the printer's hands was not also sent round?—The evidence in the printer's hands will speak for itself.

297. *Mr. Fisher.*] Is it the fact that you missed this one paper that is not accounted for four days after the 16th, which would be Tuesday, the 20th?—I missed it either three or four days after I received it.

298. Then, it follows that you did not present that paper to the Committee or to the Chairman at the meeting on Thursday, the 22nd?—Of course, it follows that I did not. I put all the papers I had before the Chairman, and concluded that that paper was amongst them.

299. You say in your evidence that you are sure you missed that paper four days after the 16th, which would be Tuesday, the 20th. Then you say that on Thursday, the 22nd, you did not notice whether it was there when getting away from the Committee-room in a hurry?—Yes.

300. *Mr. Pirani.*] How did you come to find out that one copy was missing?—When the matter was brought up in the Committee.

301. *The Chairman.*] There appears to be some confusion as to these copies. You say that at some time, at any rate, one of these copies was handed to Mr. Easton and to Mr. Cook for correction?—Yes.

302. And you say, further, that it was the same copy that was handed to both those persons?—Yes, I believe so.

303. A copy of the evidence means two parts?—Yes.

304. Does one part contain the evidence of Mr. Cook?—Yes.

305. Is this part here [produced], which bears Mr. Cook's signature, one-half of the complete copy of the evidence you refer to?—Yes.

306. And is the other half with Mr. Easton's evidence with the Government Printer?—Yes. The one sent to the Government Printing Office is more elaborately correct.

Mr. Carncross: With regard to my possessing a key of the locker which has been referred to, I wish to explain that when Chairman of the Goldfields Committee last year I had a key of that locker. I omitted to bring up the key with me this year. I used the locker for putting my typewriter in. I would like further to mention that I never once visited this locker since the Committee met.

HERBERT ERNEST EASTON examined. (No. 14.)

307. *The Chairman.*] I believe you presented a petition this session to the House of Representatives, which was referred to the Goldfields and Mines Committee?—I did.

308. You were present, I believe, at a meeting of the Committee which took place on the 15th August, at which you were heard in connection with your petition?—I was.

309. Did you remain at the meeting during the whole of the sitting?—I did.

310. You heard all the evidence that was given there?—I did.

311. Did you supply to the *Evening Star* newspaper, published in Dunedin, a copy of the evidence that was taken at that meeting?—No, I did not.

312. Do you know who did?—No.

313. Was there ever in your possession a typewritten copy of that evidence?—Yes.

314. By whom was it handed to you?—It came from the clerk.

315. Is it in your possession still?—No. That evidence came to me on the 21st August. I corrected it, and returned it to Mr. Izett at 10 o'clock on the 22nd.

316. Then, neither that copy nor any other copy of the evidence was in your possession before the 21st?—That was the only copy I had.

317. After the copy was presented to you for correction what did you do with it?—I corrected it, and kept it in a despatch-box the night of the 21st, and returned it personally to the clerk on the morning of the 22nd.

318. Did Mr. Perston act as your secretary?—Yes; he is my brother-in-law.

319. Did he make a shorthand report of the proceedings?—No; I do not know that he can write shorthand.

320. Do you know how that evidence came to appear in the *Evening Star* of the 23rd August?—No; I can only presume that it was given to the *Star* by some person interested in drawing attention away from the main issues.

321. It was not given by you?—No.

322. Do you know by whom it was given to the *Star*?—No.

323. Can you in any way assist the Committee to find out who did?—I have no evidence to give on that point; but it has been insinuated very freely over this city—and I heard in the lobby of this House this morning—that I had two copies of the evidence in my possession. I resent very strongly on behalf of myself and my brother-in-law such insinuations. I shall be leaving New Zealand shortly for London, and I wish to leave without any such reflection on my character; and I hope you gentlemen will do your best on my behalf to see that I shall leave New Zealand without any such reflection being cast upon me.

324. There is a copy of the evidence taken missing, and it is our duty to find out by whom it was taken: you say you know nothing about it?—I know nothing about it.

325. *Mr. Pirani.*] Are you aware that the publication of that evidence was in contravention of the rules of Parliament?—Certainly. I consider it a gross breach of privilege.

326. If you had desired the publication of the evidence or of the facts of the case, and you could have done it without committing a breach of privilege, would you have supplied what has been supplied to the *Evening Star*?—I contend that the evidence has been indirectly in the newspapers over my name and address through nearly every paper in the colony.

327. Do you consider what has been published a fair report of what ought to be published about the case?—What I saw in the *Evening Star* was, I believe, a verbatim report of my evidence.

328. You said at the commencement of your evidence that what was published in the *Evening Star* could only have been supplied by a person who wanted to publish a biased account of what took place?—I did not wish to convey that; but to say that what was given away by certain parties was, I presume, given because they wished to draw a red-herring across the scent. But I take it that the report was a very fair one of what took place.

329. You say that you never had a copy of the evidence in your possession before the 21st?—No, not before the afternoon of the 21st.

330. Who gave you a copy of the evidence?—I found it waiting for me at Searl's Hotel on the arrival of the train from the Wairarapa on the 21st.

331. At what time was that?—Somewhere about mid-day.

332. Was any care taken with it—was it in a sealed envelope?—Yes.

333. And addressed to you?—Yes.

334. Were there any instructions to return it?—Yes; to correct it in red ink and return it to the clerk, and I handed it in personally at 10 o'clock on the morning of the 22nd.

335. The evidence supplied to you consisted of two documents similar to those produced?—It did.

336. Practically of your own evidence and that of Mr. Cook?—And my replies to Mr. Cook.

337. Did you take any copies of any of the evidence, or of the evidence itself?—I did not.

338. *The Chairman.*] Did any other person do so for you?—I believe Mr. Perston made a few pencil notes during my statement, and when Mr. Cook was giving his answers.

339. *Mr. Pirani.*] It has been stated that you had a copy of the evidence at the Committee meeting?—I should be prepared to take an affidavit to the contrary. I have never seen any copy of the evidence since I had the copy of my corrected evidence.

340. *Mr. Guinness.*] You were cross-examining Mr. Cook yesterday from some document in your hand, because you asked him to state whether he did not say so-and-so in answer to question number so-and-so?—Yes.

341. What was it you had in your hand?—I can easily explain that matter. With a view to shorten and facilitate the work of the Committee, I took from my corrected evidence the main points and classified them.

342. You noted certain points?—Yes, as to certain statements made by Mr. Cook.

343. *Mr. Fisher.*] In copying from the evidence which was furnished by the clerk of the Committee, and for the purpose of cross-examination, you took the number of the question?—I did, and I am prepared to show the Committee the original document from which I cross-examined Mr. Cook.

ARTHUR ROBERTON PERSTON, examined. (No. 15.)

344. *The Chairman.*] Were you present with the last witness at the meeting of the Goldfields and Mines Committee on the 15th August?—I was.

345. You therefore heard the evidence given?—Yes, up to the adjournment at 1 o'clock.

346. Did you take any substantial report of that evidence?—No.

347. You took a few notes for Mr. Easton's information, but not an extended report?—Yes, I took one or two notes.

348. You have heard that a typewritten copy was sent to Mr. Easton for correction on that date?—Yes, I saw it.

349. As a matter of fact, did you make any report of that?—No.

350. Did you communicate the contents of it to any person?—No.

351. Can you give us any information as to how the matter contained in that document found its way into the *Dunedin Evening Star*?—No, I cannot.

WILLIAM RICHARD COOK examined. (No. 16.)

352. *The Chairman.*] Were you present at a meeting of the Goldfields and Mines Committee on Thursday, the 15th day of August?—Yes.

353. In what capacity were you there—as a petitioner, or a person defending a petition, or what?—I was defending myself against the allegations in a petition.

354. You therefore paid great attention to the proceedings?—Yes.

355. And heard all the evidence that day?—Yes.

356. Did you communicate that evidence to the *Evening Star* in Dunedin, or to any person for transmission to the *Evening Star*?—No.

357. Did you ever have in your possession a typewritten copy of the evidence taken at that meeting?—Yes; it was sent to me for correction.

358. When was it received by you?—On Saturday afternoon, the 17th.

359. What did you do with it?—I corrected it on the Monday evening and Tuesday morning.

360. What did you do with it when you had finished with it?—On the evening of the 20th I posted it to the clerk of the Committee.

361. Was that the document in question [typewritten document produced]?—Yes; this is the document I returned.

362. There was no other document?—I had a copy of Mr. Easton's evidence which I applied for and obtained, and still retain it.

363. Have you still a copy of this in your possession [document produced]?—Yes, in a book.

364. And you have also a typewritten copy of the other half of this day's evidence [produced]?—Yes.

365. When did you apply to the Committee for a copy of the evidence?—On the day I was examined. I stated that it was impossible for me to reply unless I had a copy. I had not heard the petition, nor did I know of the contents of the petition, nor of these charges, until I appeared before the Committee. I said some of the charges were untrue, and others were foreign to me, and before I replied I would ask for a copy. The clerk of the Committee furnished me with a copy of the petition, a copy of Mr. Easton's evidence, and a copy of my own evidence. My own evidence was to be returned, but I was able to keep the copy of Mr. Easton's evidence.

366. Then the position was this: you were supplied with a copy of Mr. Easton's evidence, which is still in your possession?—Yes.

367. You were also supplied with a copy of your own evidence, which you corrected?—Yes.

368. And you made a copy for your own use, and returned the original corrected to the clerk? Yes.

369. I think you have already answered that you did not supply the *Evening Star* with a report of the proceedings of the 15th August?—Yes.

370. Did you allow any person to make a copy of these documents which were in your possession at any time?—No; they were in my despatch-box the whole time, and no one had access to them.

371. Have you any information to supply to us as to how it happens that this evidence appears in the paper.—No.

372. Will you produce the missing half of the evidence that you have?—Yes.

373. Has this evidence of Mr. Easton's been continuously in your possession from the day it was handed to you until now?—It has been continuously in my possession until now, with the exception that when I have attended the Committee I have had it with me on the table.

374. As a matter of fact, you have not transmitted it to any other person?—No; it has never been out of my possession. I consider that a very grave injury has been done to me by the publication of the evidence.

375. *Sir J. G. Ward.*] From whom did you get a copy of that evidence?—It was sent to me. I got it at the hotel.

376. You are absolutely certain that no person could have availed himself of the evidence after you got it?—It was impossible. The key of my box never left my pocket.

377. The Committee gave you an opportunity of retaining the evidence as matter of defence for your guidance?—Yes.

378. *Mr. Guinness.*] You say the Committee gave you the evidence: you asked to be supplied with it?—Yes.

379. It was sent to you in a covering letter from the clerk and sealed up?—Yes.

380. The clerk did not hand it to you open?—No; I received it on the Saturday afternoon in a letter.

381. Did he send you the two copies together, or give you one copy to keep and another to correct?—No; he must have sent the whole of it together. At a meeting of the Committee I requested that I might have a copy of the petition and a copy of Mr. Easton's evidence for my reply. He sent me a copy of the petition, and a copy of Mr. Easton's evidence for me to retain, and a single copy of my own evidence. There was a letter with the documents asking me to return my own evidence. I got a foolscap book and made a copy of my evidence—the corrected copy—and returned the corrected copy to him on the Tuesday through the post. The only copy of my evidence that I have seen at all is the one produced which is signed by me.

ALBERT ELIAS COHEN examined. (No. 17.)

382. *The Chairman.*] You are the representative in Wellington of the Dunedin *Evening Star*?—I am parliamentary reporter of the Dunedin *Evening Star* during the session.

383. You are aware of the object of this Committee being set up?—Yes.

384. Have you a statement to make?—Yes. Gentlemen, with a view of expediting the labours of the Committee, I wish to make a short statement. That the publication in the Dunedin *Star* of the evidence given before the Mines Committee respecting Mr. Easton's petition was a breach of the privileges of the House, I admit. It was, however, a technical breach, and many similar instances, in my experience, have been treated as such. The publication was in the interests of the public—the question being one of importance to the dredging industry of Otago—and that no malice was intended is patent from the fact that the evidence as to both sides of the case is given in the same issue. The fairness and impartiality of the report were vouched for in the House by more than one member of the Mines Committee. Had the *Star* merely given a synopsis of the evidence, this might have prejudiced one party to the injury of the other. This is the first time in my experience as a parliamentary correspondent, extending over a continuous period of seventeen years, that a member of the Press Gallery has been summoned before a Privilege Committee to account for his actions. It has been suggested that the information might have been obtained from either the clerk or the shorthand-writer, to the Committee. Gentlemen, in justice to these officials, I wish to say that they must be exonerated from any complicity in what the House has unanimously declared to be a breach of its privileges. Beyond exculpating these officials, I must decline to make any statement as to the origin of the evidence. In taking this course no disrespect to the Committee is intended. The evidence was obtained in a thoroughly honourable manner, and its publication was not with a view to injure either or any of the parties concerned, but in the hope of extending the Committee's sphere of usefulness. As a journalist, I have never descended to dishonourable means of obtaining information, but when any information is given me in good faith I regard the confidence as absolutely sacred. In using the information I accept the full responsibility, and no amount of pressure will induce or compel me to disclose the source of my information. I hold this to be a point of journalistic honour, from which no departure is possible. This principle has been successfully maintained before the Supreme Court by the late Mr. E. T. Gillon, by my editor, and others, who have risked all the penalties which that tribunal could inflict for the technical offence of contempt rather than betray confidence reposed in good faith in them as journalists. In conclusion, I would just say that in taking this stand no disrespect is intended to either the House or your Committee.

385. *Mr. Fisher.*] How do you define that phrase, that the information was obtained in an "honourable" way?—I mean that I got it as a journalist, and by means that no journalist would be ashamed to adopt. There was certainly nothing dishonourable in the way of obtaining it. It was certainly not surreptitiously or dishonourably obtained.

386. Then, what is your object for concealment?—You know, as an old journalist yourself, that when information is given to you in good faith you do not reveal the source of the information.

387. In receiving this information you were aware that it was a breach of the privileges of Parliament?—I admit that it was a technical breach of the privileges of Parliament, but I understood it was the object of the Committee to obtain the fullest information with regard to the dredging industry of the Otago District, and that object would largely influence the publication. For instance, take the Local Government Bill: Almost daily information is disseminated throughout the length and breadth of the colony about the proceedings of that Committee. The object is to let the various local bodies interested know the trend of the evidence being given, and probably that leads very largely to additional evidence being obtained. The same thing applies in respect to the Labour Bills Committee: evidence as to the Factories Bill and the Industrial Conciliation Bill has been published throughout the colony, and the result has been that witnesses have come forward and given evidence that they probably would not have given unless they had known the nature of the evidence being tendered to the Committee.

388. The paramount question with you is the interest the public of Otago take in the dredging question?—Yes.

389. Then, the violation of the privileges of Parliament is quite a subsidiary matter?—It may be technically subsidiary. What I did was in the interest of the public as a journalist.

390. I can quite understand a pressman getting from a member of a Committee a *précis* of evidence given before that Committee, but this evidence was printed verbatim from the Committee's shorthand-writer's report?—The report having got into my hands, if I had attempted to summarise it I might have prejudiced the interests of one of the parties.

391. You talk about a technical breach of the privileges of Parliament?—Yes.

392. Does it not occur to you that the offence in this case is a most flagrant breach of privilege?—No; the more experience I have of parliamentary proceedings the more inclined I am to maintain that the meetings of the Committees should be open to the representatives of the Press, subject to the right of the Chairman to draw the veil when he is inclined. For instance, take the Supreme Court proceedings, where they take matters *in camera* at times; or the proceedings of local bodies where they go into Committee, and members of the Press are requested not to report the proceedings when questions are at a stage when they ought not to be made public. Otherwise, I think it would be right if the Standing Orders were altered, in order that the proceedings might be open to the Press.

393. Parliament appoints parliamentary shorthand writers, and they are bound to secrecy. In this case you published from the notes of the parliamentary shorthand writer the report of the evidence taken before the Goldfields Committee. It is not a mere *précis* of the evidence, but the property of the country you have taken. Do you still describe that as "honourable" conduct?—I fail to discern anything dishonourable in the publication.

394. *The Chairman.*] You have given us to understand in one of your answers that the report was communicated to you in some way?—It reached my hands.

395. Then I presume you will state to us that you did not yourself "annex" it?—Certainly I did not. There was no abstraction and nothing dishonourable in the way I obtained it. I wish to make that clear and emphatic; and also to say, with regard to the officials of the Committee, that they had nothing to do with it. In fact, up to this moment, I do not even know who is clerk or shorthand writer to the Committee.

396. It is known to the Press that it is not an unfrequent thing for documents to lie about in Committee rooms?—On that phase of the question I think the Committee can make its mind quite easy; but I think it is quite unjournalistic to supply the name of any one who gives information to the Press.

397. *Mr. Guinness.*] Having admitted that it came from a source, and that it would be dishonourable to divulge the source, would you have any objection to obtain from the source whether it would consent to your divulging the information?—I think I have stated in my short statement that I take the responsibility of having published it.

398. *Sir J. G. Ward.*] I understand you have been for seventeen years a Press correspondent?—Yes; since 1884 continuously.

399. What is your general experience of the various members of the Press obtaining information from Committees?—That they frequently obtain information from members of Committees, and use it if they think the item is worth having.

MONDAY, 2ND SEPTEMBER, 1901.

JOHN GEORGE MOODY examined. (No. 18.)

1. *The Chairman.*] Are you the publisher of the paper known as the *Evening Star*, Dunedin?—Yes.

2. Are you aware of the contents of the issues of the paper of the 23rd and 27th August?—I am generally aware of the contents of the paper after publication.

3. Then, as a matter of fact, you are aware that, on the 23rd August, there appeared about three columns of matter about evidence given before the Goldfields and Mines Committee in reference to the petition of H. E. Easton?—Yes, I am aware.

4. Also, that on the 27th instant there appeared more than five columns of matter also purporting to be the same evidence?—Yes.

5. Have you knowledge of the Standing Orders of the House of Representatives? Are you aware that it is contrary to the Standing Orders to publish evidence given before any Select Committee?—No, I have not that definite knowledge.

3—I. 7.

6. You say you have not that knowledge: Have you anything to say to the Committee in explanation of the appearance of the evidence before it became the property of the House?—No. I would say this: the paper is the property of a limited liability company. I am the publisher, and with regard to the news-matter I do not see it until after it appears. The editor would have that in hand.

7. As a matter of fact, you publish in the paper whatever is sent down to you from the editorial or sub-editorial department?—I do not see any news-matter until after it appears.

8. Have you anything further to say to the Committee?—No, unless this: that since the House has set up this Committee to inquire into the matter, I understand we should not publish anything further about it. I have not that definitely from the editor, but—

9. Do you know whether information reached your paper either on Monday, the 26th, or on the 27th inst., to the effect that on the Monday attention had been drawn in the Mines Committee to the publication of the evidence as being a breach of privilege, and a resolution had been passed to bring the matter under the notice of the House?—I do not know. Speaking without reference, I am not aware that we had received that information.

10. *Sir J. G. Ward.*] I understand you to say that you do not know anything about the publication of this matter?—No; I know nothing of the publication of these particular articles. My attention is merely confined to the business department.

11. So that if information had reached your paper you would not have known about it?—No.

12. Do you know whether the evidence as published in both issues of the paper was by telegraph or by post?—I cannot tell you.

13. *Mr. Guinness.*] You say that the proprietors of the paper are a joint-stock company?—Yes.

14. Are you a shareholder?—No.

15. Nor a director?—No.

16. Is the manuscript handed down to you in the printing-office for publication?—No, to the foreman in charge of the printing department.

17. You are practically in charge of the printing department?—No, of the advertising and publishing department.

18. I understand that Mr. Mark Cohen is the editor?—Yes. I would like to say that, from inquiries I have made, there seems to be more than two millions of money invested in Otago in the dredging industry, and the matter is one of very great importance, and was given for public information.

19. *Sir J. G. Ward.*] Are there over two millions invested in Dunedin?—Yes, mainly at the headquarters for Otago, which is Dunedin. I have ascertained the figures from the Stock Exchange list, which I have with me.

TUESDAY, 3RD SEPTEMBER, 1901.

J. A. MILLAR, M.H.R., examined. (No. 19.)

1. *The Chairman.*] You are a member of the Mines Committee of the House of Representatives?—Yes.

2. Were you present at a meeting of that Committee held on the 22nd August?—Yes.

3. Did you subsequently see a typewritten copy of the evidence given before the Committee on that date?—No.

4. Did you supply, or allow to be copied, the evidence in question to or for the use of the *Dunedin Evening Star*, or to or for the use of any person?—No.

5. Can you inform this Committee as to how the *Evening Star* became possessed of the evidence in question?—I have not the slightest idea; never having attended any meeting but this one for about fifteen minutes, as, being Chairman of the Labour Bills Committee, which meets on Wednesday—the same day as the Goldfields Committee meeting—prevented my attendance.

W. C. F. CARNCROSS, M.H.R., examined. (No. 20.)

6. Are you a member of the Mines Committee of the House of Representatives?—Yes.

7. Were you present at a meeting of that Committee held on the 22nd August?—Yes.

8. Did you subsequently see a typewritten copy of the evidence given before the Committee on that date?—Possibly I saw it lying on the table, but I never had it in my possession.

9. Did you supply, or allow to be copied, the evidence in question to or for the use of the *Dunedin Evening Star*, or to or for the use of any person?—I did neither.

10. Can you inform this Committee of how the *Evening Star* became possessed of the evidence in question?—No, I cannot.

WEDNESDAY, 4TH SEPTEMBER, 1901.

JAMES COLVIN, M.H.R., examined. (No. 21.)

1. *The Chairman.*] You are a member of the Goldfields and Mines Committee of the House of Representatives?—Yes.

2. Were you present at a meeting of that Committee held on the 15th August last?—I was.

3. Did you hear certain evidence given before that Committee—I think, by Mr. Easton?—I did.

4. Were you supplied as a member of that Committee, either then or subsequently, with a typewritten copy of the evidence taken at that meeting?—No.

5. Did you ever see a copy?—No.

6. Did you communicate, either orally or in writing, any of the evidence taken to the reporter of the *Dunedin Evening Star*?—No.

7. Or to any other person?—I did not.

8. Can you inform us of your own knowledge as to who did?—No. I have not the slightest idea as to how the evidence leaked out.

RODERICK MCKENZIE, M.H.R., examined. (No. 22.)

9. *The Chairman.*] You are a member of the Goldfields and Mines Committee of the House of Representatives?—Yes.

10. Were you present at a meeting of that Committee, held on the 15th August, at which the evidence of one Easton was taken?—No.

11. Did you subsequently see a typewritten copy of the evidence taken on that occasion?—I saw some evidence on the table.

12. On what date did you see it?—It was about the 20th August. It would be about a fortnight to-morrow.

13. Did you supply to the reporter of the *Dunedin Evening Star*, or to any person, or authorise any person to obtain or take a copy of that evidence?—No, not that I remember.

14. You probably would have remembered it if you had done so?—I think it would be likely I would.

15. Did you ever state to any one that you gave the information to the *Evening Star*?—I believe I told some of the members of the Committee jocularly that I would get them out of the trouble by saying that I gave away the evidence.

16. You simply stated that as a joke?—Yes.

Hon. THOMAS Y. DUNCAN, Minister of Lands, examined. (No. 23.)

17. *The Chairman.*] You are a member of the Goldfields and Mines Committee of the House of Representatives?—Yes.

18. Were you present at a meeting of that Committee held on the 15th August last, when the evidence of one Herbert Easton was taken?—I do not think so.

19. Did you then, or at any time subsequently, see a typewritten copy of the evidence?—No, not at any time.

20. Did you then, or at any time, give information to the *Evening Star*, of Dunedin, or to any person whatsoever, as to the evidence that was taken by the Committee?—No, I never had any information to give, because I was only there a few minutes when this question of privilege came up.

21. Do you know, of your own knowledge, whether any other person gave information?—No person to my knowledge.

JAMES IZETT, Clerk to the Goldfields and Mines Committee, recalled. (No. 24.)

22. *The Chairman.*] Do you produce the copy of the evidence that was sent to the Government Printer?—I do; being the evidence taken before the Committee on the 15th August.

23. Is the portion produced containing Mr. Easton's evidence that which was supplied to him for correction?—Yes.

24. And is this copy containing William Richard Cook's evidence the one that was supplied to him for correction?—No. The copy that was supplied to him was produced at the last meeting of the Committee; it was signed by him, and I then said that I had transferred the corrections from that copy to the copy I supplied to the printer.

25. No. 1 is the original copy of Mr. Easton's evidence?—Yes.

26. And No. 2 is not the original copy, but another copy to which you have transferred the corrections made by Mr. Cook?—Yes. Mr. Easton signs his copy as having been corrected by him.

27. These two copies together are one set of the evidence?—Yes.

28. That set, together with the set you produced at the last meeting, make two sets?—Yes.

29. And the third set?—That is the set I stated that I could not account for.

30. *Sir J. G. Ward.*] Mr. Cook states in his evidence here that the third set, which you say is missing or supposed to be missing, is in his possession and in his despatch-box, and that it was given to him by you?—To the best of my recollection I only sent him one set of his evidence. He desired to have a copy of Mr. Easton's evidence that he might reply to it, and I sent that to him.

31. Mr. Cook stated in his evidence here that one of the three sets of evidence—supposed to be the missing set—was in his possession; that half of it is in his possession now in his despatch-box, and that he has kept that with the authority of the Committee; the other half of the copy was handed to you?—I think that cannot be. He is mistaken; I think he has only had one set of evidence from me.

32. And he returned it?—He returned his own evidence, but not Mr. Easton's.

33. Is it not the fact that you transferred the corrections from Mr. Cook's copy to the copy now produced because the original copy was kept by Mr. Cook?—No; I could not, without the original copy, transfer the corrections.

34. What was the object of transferring the corrections if you were able to send the original to the printer?—Because there were other corrections, and I put them all on one copy.

35. Are you positive that Mr. Cook returned his copy to you?—Yes; because I had it here signed by him, and I produced it at the last meeting of this Committee. The question arose as to why I had his signed copy when the other portion had gone to the printer, and I explained that I had transferred his corrections.

36. Are you sure he had a copy, and that Mr. Easton had a copy?—He said he had had a copy, but returned it to the Chairman.

37. You are able to account for two copies of the evidence in any case?—Yes: one copy, now before the Committee as having come back from the printer, which I produce to-day, and the copy which I produced before the Committee at the last meeting, which makes two copies.

38. On the question of the missing third copy, or portion of the evidence, Mr. Cook has made a statement here in which he states distinctly that he has the original copy of that evidence in his possession, and that he got it from you on the authority of the Committee, and was permitted to keep it?—I asked him the question, and he replied quite differently to me.

39. Where did you ask him the question?—In the House here.

40. Not in the Committee-room?—No.

41. When did you ask him?—I asked him yesterday, and again this morning, when he answered to that effect.

42. This is the point: Mr. Cook says he got a copy from the secretary; now the secretary says he did not get it from him: if he did not get it from the secretary, whom did he get it from?—He means to convey that the copy of Mr. Easton's evidence which he had returned quite recently to the secretary of this Committee.

43. What Mr. Cook has told the Committee is this: that he has now in his possession a third copy. There were only three copies originally, two of which we have accounted for. He says he has the third copy, which was sent to him by you, and that he was informed by the Committee he could keep that?—He has returned it since to the secretary of this Committee. The secretary says he has.

44. Assuming he has returned it, is it the fact that he received the third copy of the evidence from you under directions of the Committee, by letter originally?—He must have done so, but I have no recollection of the fact.

45. Mr. Cook has stated to the Committee that he retains one-half of the evidence in his possession, being Mr. Easton's half, which he received from you under directions from the Committee?—I can only say that I sent him a copy of the evidence. That is all I know; and the evidence I sent him I now produce—the copy he signed, and which was before the Committee at its last meeting—and I understand he has sent back Mr. Easton's portion since.

46. If he has in his possession now the other half of the evidence, that would account for the missing third copy?—Yes, of Mr. Easton's evidence.

47. And you have stated to the Committee this morning that you are of opinion that he cannot have it in his possession?—Yes, I am of that opinion.

48. And if he has got it in his possession, that accounts for the whole of the copies of the evidence?—Yes; there are now two copies of the evidence on the table. If he has the other copy, that accounts for the third.

49. *The Chairman.*] Has the clerk of this Committee received from Mr. Cook this morning one copy of Mr. Easton's evidence taken on the 15th August?

Mr. Baldwin: Yes, this morning.

50. *Sir J. G. Ward* (to Mr. Izett).] You heard that evidence from the clerk?—Yes.

51. I understood you to say to the Committee that Mr. Cook had returned to you the whole of the evidence he had received?—I understood so.

52. Then, if Mr. Cook had one copy of Mr. Easton's evidence given on the 15th August in his possession, and the other two copies are in the possession of this Committee—which they are—that would account for the three original copies?—Yes.

53. Then, if the evidence of Herbert Easton, which was given on the 15th August, was published in the *Dunedin Evening Star*, it must have been copied from one of those three original documents?—Of course, it must have been.

54. And if it were not copied from one of the three documents the only way in which it could have come out would have been by using one of these original three?—It would follow so. If you will allow me I would call attention to the fact that if you will look at the minute-book you will see that the Committee never made an order to have three copies typewritten. I got no instructions to that effect, nor did the Committee make any order subsequently that there should be six copies taken. The usual course with Committees is to have but one copy of the evidence transcribed, so that the clerk may follow it easily from place to place. He takes it to members to get it corrected so far as the questions are concerned, and then takes it to the witnesses for correction. Where there are half a dozen copies to look after it is a difficult matter to keep your eye upon them all and note where they go.

55. I understand you were instructed to have three copies of the petition printed?—I was not instructed. The direction came direct from the Chairman to the shorthand-writer.

56. To have three copies of the petition and three copies of the evidence taken?—Yes; and that order was subsequently enlarged to six copies of the other evidence.

57. *The Chairman.*] There were three copies of Mr. Easton's evidence made?—Yes.

58. One of those copies was handed to him and the others to the Chairman?—When I got the copies from the shorthand-writer I put them in the cupboard, and then, to the best of my recollection, I took out one copy and sent it for circulation amongst members of the Committee. It was done rapidly, and I think possibly it went first to Mr. Herries. When it came back I sent that copy on to the witnesses for correction. That is No. 1 copy.

59. You sent it first to the members of the Committee, and then to the witnesses?—Yes.

60. Then what became of it?—I sent it then to the printer. It is necessary to remember that when I sent it to the printer the copy containing Mr. Cook's signature was not sent.

61. Keep to Mr. Easton's evidence: There were three copies made. No. 1 was first sent to the members of the Committee, then to the witnesses for correction. That was Mr. Easton's evidence?—Yes.

62. What then became of it?—It was sent to the printer.

63. And that is the copy you now produce to-day as having been obtained from the Printing Office?—Yes.

64. Now as to No. 2 copy?—That never left my possession.

65. That was produced by you at the last meeting?—Yes.

66. Now as to No. 3?—That I am unable to account for.

67. But you have got it here?—Yes; but the process of its travel I am unable to account for.

68. You did not give Mr. Easton a copy?—No.

69. I understand that you sent to Mr. Easton, as one of the witnesses, the same copy as you sent to other witnesses?—Yes.

70. You do not recollect having sent him any other copy?—No.

71. You cannot tell this Committee how he became possessed of another copy, and was able to return it to the secretary?—No.

72. Now as to Mr. Cook's copy of the evidence: there were three copies taken of that also?—Yes.

73. Was No. 1 treated in the same way as Mr. Easton's?—Yes.

74. That is, first sent to members of the Committee, then to the witnesses, and then to the printer?—Yes, only that I transferred the corrections on to another copy, and which copy I produced to-day.

75. What of the third copy?—That I know nothing about.

76. Is that not on the table?—Not that I know of.

77. All three copies of Mr. Cook's evidence are here. All that we can ascertain is that Mr. Cook seems to have been possessed of two copies, one of which was sent to the printer, and the other is produced this morning?—Yes.

78. *Sir J. G. Ward.*] I understood from you, when you gave evidence here a few days ago, that you missed one copy of this evidence three or four days after you had received it?—Yes.

79. And that there were only two copies of the evidence then in your possession, including the copy which was afterwards sent to the Printing Office?—Yes.

80. Then, in your evidence you stated that you did not know where the third or missing copy had gone to?—No.

81. If Mr. Cook declares in his evidence that he received that copy from you by letter?—Then I must have forgotten having sent it to him.

82. And if he did so that would account for the third copy?—Yes.

83. In that case the evidence which appeared in the *Dunedin Evening Star* must have been copied from one of the three original documents now in the possession of the Committee?—Yes, that is my opinion.

84. Of the two copies that have remained in your room, would it have been possible for any person to take a shorthand copy, in your room, without you knowing it?—Not unless he had access to my cupboard.

85. And you are quite certain they were in your cupboard during the whole time?—Yes, quite certain.

86. *The Chairman.*] Although you stated in your previous evidence that you did not count them, but bundled all the papers together?—Yes; but I saw the papers subsequently in the cupboard when I missed a copy.

87. *Sir J. G. Ward.*] You now know that the third copy has been in the hands respectively of Mr. Cook and Mr. Easton?—That third copy I cannot trace. I do not know where it went to or who had it.

88. Did the Committee decide that a copy of Mr. Easton's evidence should be placed at Mr. Cook's disposal for cross-examination?—There was no resolution passed.

89. Do you know as fact whether Mr. Cook has had a full copy of the charges made against him?—The only copy I know of is the copy I sent to him for correction.

90. In that case would Mr. Cook not have had the whole of the evidence in his possession—his own, as well as Mr. Easton's?—Yes: he corrected his own evidence, and he had to reply to the charges.

91. Did Mr. Easton have a copy of Mr. Cook's evidence for a similar purpose?—I might have sent Mr. Easton Mr. Cook's evidence in the same way, but I am not clear on the subject.

92. Did you know that Mr. Howes and Mr. Perston were present at the meeting?—Yes, and others.

93. Did either of them have an opportunity for perusing this evidence?—Certainly; it was on the table. Members of the Committee had it, and they had the opportunity to pick it up and look at it, but if they did I did not see them.

94. Are you of opinion that it would have been possible for anybody to have copied this evidence in your own room or during your absence, with the assistance of a shorthand-writer?—It could not have been copied unless the person had access to my cupboard. He must have got access to that before he could get the copies.

95. *The Chairman.*] Have you any further statement to make?—I have been asked my opinion and my thoughts on the subject. From what I know of the situation, there are only two ways of accounting for the publication of this evidence; one is that the evidence, when sent to a witness, might have been taken by him to a typewriter and copied, or the evidence may have been furnished by a member of the Committee to a typewriter and copied. It does not matter whether the evidence was in the hands of a witness or of a member of the Committee for that purpose. That seems to me to be the simple issue of the whole case.

96. It simply comes to this; that the information must have been supplied either by a witness or a member of the Committee?—Yes, just so.

97. *Sir J. G. Ward.*] How would the evidence be addressed to Mr. Cook or Mr. Easton; would it be sent to their hotel?—Yes, to Mr. Cook, Mandel's Hotel, Victoria Street, Wellington.

98. And to Mr. Easton's address also?—Yes, to Searl's Hotel.

99. *Mr. Fisher.*] You know that at the last meeting of this Committee, at which you were present, you could only account for two copies of the evidence?—Yes.

100. There is now a third complete copy on the table?—Yes.

101. Do you know how that third copy came here?—No.

102. You do not know how to account for the appearance here this morning of the third complete copy of the evidence given before the Mines Committee on the 15th August?—No, I do not know what course it has travelled.

103. You say now that you did not give the order to the shorthand-writer to produce three complete copies of the evidence?—No; I had no instructions from the Committee to do so.

104. You say you had no instructions from either the Chairman of the Committee or the Committee itself to prepare three copies of the evidence?—No; or to cause them to be prepared.

105. Did you give to some of the witnesses, or to a witness, copies of evidence given at that meeting of the Committee by other witnesses?—I may have given Mr. Cook's evidence to Mr. Easton, if I gave Mr. Easton's evidence to Mr. Cook; but I have not got it in my memory.

106. You say that if you gave the evidence of Mr. Easton to Mr. Cook, you may have given Mr. Cook's evidence to Mr. Easton. You put it in a problematical way. Your answer should be more than that; it should be you did or you did not?—I could not say I gave the evidence to either party. Mr. Cook might have been entitled to a copy of Mr. Easton's charges. The question of Mr. Easton having a copy of Mr. Cook's evidence was in a very different position.

107. I can understand that, because three copies of the petition which contained the charges were typewritten for that purpose?—Yes.

108. The question of the petition and the charges is disposed of. Now, did you give the evidence of one witness to another witness?—I cannot speak definitely on the subject.

109. Mr. Cook says in his evidence that you gave him a copy of Mr. Easton's evidence?—Of course, he had it for correction.

110. You say you are uncertain whether you gave it to him or not?—I understood you to ask me whether I gave him a second copy. Of course, I gave him a copy of the evidence. I said that from the beginning. That was his own evidence, and Mr. Easton's evidence too.

111. By whose direction did you send to Mr. Cook a copy of the evidence given by Mr. Easton?—By direction of the Chairman.

112. Is it usual—is it the custom—to give copies of evidence given by one witness before a Committee to another witness who has given evidence before that Committee?—It is not.

113. Tell us, then, why this departure was made in this particular case?—Because the charges which Mr. Easton had made in his statement were in the nature of a serious indictment, and Mr. Cook desired to see Mr. Easton's evidence so that he might reply to those charges.

114. Am I right in saying, then, that it is not enough to say that the petition embraced all the charges?—That I cannot tell you.

115. You have told us that the evidence contained the charges?—I did not take much notice of the evidence when it was given at the table. The evidence which Mr. Easton gave might have been a repetition of the petition, or embraced other charges, or have been an elaboration of the charges.

116. Did you adopt that course in regard to other witnesses during the whole day? Did you give all the witnesses copies of the evidence given by other witnesses?—I have no recollection of sending Mr. Cook's evidence to Mr. Easton, but, having sent Mr. Easton's evidence to Mr. Cook, I may have done so. It is quite clear to me that, it being an unusual course and receiving instructions from the Chairman in the matter, I did what was required to be done, and the thing passed from my memory.

117. You are aware that three copies of the evidence of each witness were prepared by the shorthand-writer by direction of the Chairman?—Yes, I heard him tell the shorthand-writer to typewrite three copies.

118. And those three copies were handed to you by the shorthand-writer?—Yes.

119. *Mr. Pirani.*] Who is supposed to be in charge of the Committee clerks of the House?—Mr. Lowe.

120. *Sir J. G. Ward.*] You are quite certain that a copy of Mr. Easton's evidence was sent to Mr. Cook?—Yes, I believe so, now that my memory has been refreshed by the proceedings that have taken place here.

121. Will you tell the Committee whether you are sure he did not receive two copies?—I am pretty positive that he could not have received the two copies at the same time.

122. Has he received two copies?—Not that I know of.

123. Then, if he has returned one copy, which you had in your possession before this Committee met, and returned another this morning, he must have had two copies?—Yes; he must have had two.

124. *Mr. Pirani.*] Did Mr. Cook return a copy to you as well as to the clerk of this Committee?—Only one copy, complete.

125. Mr. Easton's evidence only has been received this morning?—So I understand.

126. *Sir J. G. Ward.*] Is it a certainty that two copies of Mr. Easton's evidence were sent out from the Committee?—Yes, of Mr. Easton's evidence.

127. One copy was given to Mr. Cook, which is returned only this morning?—Yes.

128. And the other copy sent to Mr. Easton, which he corrected and returned?—Yes.

129. So that for some time there were two copies out of the possession of the Committee?—Yes.

130. How is it, then, that you stated that you had two copies of Mr. Easton's evidence locked up in your cupboard for two or three days?—I may have had the one copy which was sent to the printer.

131. You said you had two copies locked up in your cupboard, and no one could get at them?—No one could get at them unless they went to the cupboard and got a copy.

132. You said there were two copies in your cupboard?—I do not recollect having said so. When I said I missed the copy I meant that I was unable to account for it.

133. You said in reply to me this morning that no one could have got a copy of the other two originals in your possession unless they had a key to your cupboard?—I did not attach much importance to the other two originals when you asked the question.

134. I asked the question where the copies were, and your answer was that the two were locked up in your cupboard?—Then that must have been a mistake. There was only one copy locked up in my cupboard. When I said I missed the copy of the evidence I meant that I was unable to account for the three copies. I knew there was one copy in circulation, and I had forgotten where the third copy was.

135. If you had been uncertain of the fact that two copies of the evidence have been out, is it not possible that the other copy might have been out too?—No.

136. You are certain of that?—Quite certain of that. When the Committee rises I go round and take up the papers on the table—telegrams, correspondence, printed documents, and other papers, sometimes notes made by members of the Committee. I gather them into a bundle. The evidence I either put on top of the bundle or in a place by itself. How I came to know that some of the evidence was missing was owing to the thinness of the bundle of evidence; so I looked at it and found that I could not account for where some of the evidence had gone. But, as I have said, I took it for granted that a member of the Committee had taken some of it away for more attentive perusal or consideration, and thought it would come back all right.

137. But you state that two copies of Mr. Easton's evidence had been sent out to Mr. Cook and Mr. Easton respectively, and were left in their possession?—Yes; it had passed from my mind at the time.

138. In reply to Mr. Fisher, you have said that in one case, where a witness had to cross-examine another witness, you sent to the first witness a copy of the evidence?—I may have done so.

139. You said it was done in Mr. Cook's case?—Yes.

140. When Mr. Easton examined Mr. Cook would you not send it to him for correction?—Yes.

141. As a matter of fact, did he examine Mr. Cook?—No, he did not; he made a statement.

142. I am speaking of the time when Mr. Cook gave evidence. Was he examined by Mr. Easton or not? If so, would you not send a copy of the examination of Mr. Cook to Mr. Easton?—I have no recollection of doing so.

143. Was it the Committee who decided, after Mr. Cook had made the request that he should have the perusal of Mr. Easton's evidence, that that evidence should be sent to him?—I did not follow what took place in the Committee at all.

144. You took your directions from the Chairman?—Yes. I am keenly alive to what the Committee desire, but I take my directions from the Chairman.

ALEXANDER FRANCIS LOWE, Second Clerk-Assistant, House of Representatives, examined.
(No. 25.)

145. *Mr. Pirani.*] It has been stated in evidence by the clerk of the Goldfields and Mines Committee that no record is kept of the names of persons to whom evidence is sent, the date and hour it is sent out, and the date and hour it is returned; can you tell me whether that is the general practice with all Committees?—The practice is to take a careful note of the date on which the evidence is sent out, the name of the man to whom it is sent, and when it is returned. That is the general practice.

146. *Sir J. G. Ward.*] If that were not done by the Mines Committee clerk would you look upon it as careless procedure?—Yes; I would say he was trusting to his memory where he ought to take a proper note of where a document was being sent to.

147. Then, in the absence of a proper note it would be quite possible to lose the run of evidence?—Yes, quite possible.

148. *Mr. Fisher.*] Is it usual to allow the evidence, before it is sent out to witnesses and after it is returned by the witnesses, to lie loosely about the table of the Committee-room?—No, most unusual.

JACKSON PALMER, M.H.R., recalled. (No. 26.)

149. *The Chairman.*] Since you were present at the last meeting of this Committee has anything transpired in connection with the custody of your Committee's documents which you would care to tell us; or will you make an explanation of some circumstances that are known to me?—It has only reference to the forgetfulness of my Committee clerk. Last week I had the memorandum of agreement and articles of association of some companies in my possession, and I asked the clerk to see that they were locked away in the safe. The following morning Mr. Herries came in before the clerk and asked me for the documents, as he wanted to look at them. I went to the safe and looked for them, but could not find them anywhere. Mr. Herries also looked about and could not find them. The clerk then came in, and I asked him for all the documents. He said they were in the safe. I said, "Go and get them, as Mr. Herries wants them." He went and looked, but said they were not there. I asked him if he had locked them in the safe, and he said he had. I said, "Are you positive?" He said, "I am absolutely positive I locked them in the

safe last night." I said, "That is very strange. I have not been near the safe till this morning, and you must get those documents for Mr. Herries." He said, "I am positive I locked them in the safe, and only you and I have the keys." I told Mr. Herries about it, and tried to find out about other documents. Turning up one of the books on the table I found the documents inside, although my clerk had been positive he had put them in the safe. He has not a good memory.

150. *Sir J. G. Ward.*] The clerk of your Committee has stated here that the evidence we are inquiring about was under lock and key in a cupboard, and that you and he and Mr. Carncross alone had keys of that cupboard?—Yes; he and Mr. Carncross and I are the only persons I know of who have keys. The clerk has told me that is so. Whether the evidence was always under lock and key I cannot tell you.

151. Then, the control of the cupboard, so far as getting anything out of it is concerned, is under yourself, the clerk, and Mr. Carncross?—Yes, so far as I know.

152. *Mr. Fisher.*] The officers of the Committee—the shorthand-writer and the clerk—say that copies of the evidence taken by the Mines Committee on this particular occasion were triplicated, and both agree that that was unusual. They also say they received instructions to triplicate the evidence from you. I desire to know why the evidence in this case was triplicated?—In the first place, I do not think it was unusual, because I think it is done on other Committees. We had to send the evidence to the witnesses, some of whom wished to get away, and if we had had only one copy we should have to wait an interminable time before we got it back. We found that with three copies we did not get the evidence back in time, and I told the shorthand-writer to give us six copies after the first day, because we should be able to get it back more quickly. The other Committees send their evidence round much more quickly than we do.

153. I acknowledge the facility in the matter of the speedy return of the evidence; but do you on your part acknowledge that additional facility is given to the pirate, the person who surreptitiously stole a copy of the evidence, which is the property of the Crown?—If you have six copies taken I recognise that there is greater facility given for stealing it.

154. We have been told by a witness who appeared before this Committee that it is quite a matter of honour to steal evidence in this way?—I do not agree that it is a matter of honour. I would not describe it in that way.

155. How would you describe it?—My own private opinion is that the property in these things belongs to the public, for whom we are only trustees, and the newspapers represent the public.

156. Then, according to that definition, the Crown or the Parliament has no property in the shorthand report of the evidence, and that therefore it is perfectly permissible or right on the part of anybody to obtain possession of that report in any way?—I do not say the Crown has no exclusive property, but I think Parliament are only trustees for the people. I do not think we should have any Star Chamber inquiries at all. I think a Committee meeting should be open to the public, unless it is a secret Committee, and in cases like a secret Committee it should be a very serious breach of privilege to publish the evidence. Otherwise I fail to see that it is any crime at all to publish the evidence taken. It is no political crime; it is merely against the Standing Orders, which should be altered.

157. Do you not think the regulations of Parliament ought to be observed until Parliament alters those regulations?—I think so; and that we ought to alter the rules at once.

158. Do you not think the alteration should come first?—Yes.

159. How do you reconcile the two, that it is wrong and it is not wrong to commit a breach of the privileges of Parliament?—It is the Standing Orders which say that evidence shall not be published before the Committee has reported.

160. May I call your attention to what I conceive to be a broad distinction. I will put two cases: If a member of Parliament gives an abstract or epitome of proceedings before a Committee to a newspaper, he is guilty of a breach of privilege?—I believe so.

161. Is the case not more flagrant where a newspaper uses the shorthand report of the Committee, which is the property of the Crown?—Yes, it would be a more serious breach, I should say; but being paid for by the Crown it is paid for by the people, and thus a lot of people know what has been paid for by the Crown by the report being published in the newspaper.

162. Do you see any distinction between your own contention that the proceedings of this or any other parliamentary Committee should be open to the public, or to the newspapers generally, and the fact that this report was exclusively obtained by one newspaper only?—I think the Committees should be open to all newspapers.

163. Do you think it right that this one newspaper should have had an advantage over all other newspapers owing to the unfair and surreptitious means adopted to secure the report?—I do not think one paper should be favoured more than another. If a reporter can obtain the information it is his own look-out, and I suppose he has to put up with the consequences.

164. *Mr. Pirani.*] Were any instructions given by the Committee to triplicate the evidence?—No, there were not.

165. The instruction came from you?—Yes; I thought it was the most expeditious way.

166. Was there any necessity for doing six copies?—Yes; there was a large number of members of the Committee who wanted to look over the questions they had asked.

167. As you have admitted that it is not a proper thing for evidence given before a parliamentary Committee to be kept private until the Committee has reported, do you not think, even as a matter of policy if it is wrong to keep it private, in obedience to the Standing Orders it should be kept private?—I have answered that in reply to Mr. Fisher, that the Standing Orders should be amended.

168. In what direction should it be amended?—So that the meetings should be open to members of the Press unless the Committee decided that the proceedings shall not be open, and in that case publication should be deemed a very serious breach of privilege.

169. Would you allow the deliberations of the Committee to be open to members of the Press as well as the evidence?—No. Take the Supreme Court proceedings and those of all local bodies, for instance. The deliberations are always private, but the evidence is public.

170. Do you think it would be a proper thing to allow members of the Press to report day by day part of the proceedings before the Committee had time to consider the evidence and draw up the report?—I can see no harm in it.

171. *Mr. Fisher.*] Do you think that if the Standing Orders were abolished, and the members of the Press were admitted to all meetings of Committees of Parliament, there would be greater safety to the public?—I think so. I will give you an instance: The Local Authorities Bill is before Parliament now. Parliament is anxious to get the feeling of the districts on the matter, and by the evidence being published in the newspapers fresh evidence can be obtained.

172. Do you think that reports of proceedings of parliamentary Committees, if they were open to the Press, would be likely to be any more fair than the reports of Parliament itself?—That is the proper way to do it.

173. Do you think the reports of Committees would be more fair than the reports of Parliament?—I think the reports of the newspaper reporters would be fairer than the reports of individual members of the Committee.

174. *The Chairman.*] In your evidence at the last meeting of this Committee I think you stated distinctly that you did not supply, either orally or in writing, the evidence which appeared in the *Dunedin Evening Star*?—I said so.

175. Were you aware before Parliament was aware—that is, before the copy of the *Evening Star* containing the evidence reached Wellington—that the report would be published in the *Star*?—No, I was not. Of course, I was aware that the report to the House would be published.

176. You were not aware that the evidence was going to be published?—No.

177. Was the Right Hon. Mr. Seddon, who is a member of the Mines Committee, and who has not yet been examined, at any time present at any of the meetings?—No.

178. Was he supplied at any time with a copy of the evidence?—No, he was not.

179. Then, I presume you would say it was impossible for him to have given the information?—Yes; it would be impossible.

180. Mr. James Allen was present?—Yes; at several of the meetings.

181. Mr. Allen, I understand, complained of the publication of the evidence to you?—Yes.

182. And moved a resolution in the Committee that the matter be reported to the House?—Yes, that is so.

183. Then, I presume you would consider it improbable that Mr. Allen would himself supply the information?—Most improbable, I think. Mr. Cook mentioned the matter to the Committee, and Mr. Allen then moved that it be reported to the House.

WILLIAM RICHARD COOK recalled. (No. 27.)

184. *Sir J. G. Ward.*] The copy of the evidence you handed to the clerk this morning was Mr. Easton's evidence?—Yes.

185. It was held by you under authority of the Committee, and we asked you to return it here?—Yes.

186. And you have had it in your possession all the time since you received it?—Yes, all the time.

187. Do you know if Mr. Easton had a copy of your evidence as well as his own?—Not to my own knowledge, but I understand that he had.

188. Then, I presume it would be a certainty that during the possession of Mr. Easton's evidence by you a similar copy of that evidence must have been sent to him?—Yes.

189. So that your copy and his copy would be out of the possession of the Committee at the one time?—Yes; I have not the slightest doubt about it in my own mind that it was so.

190. *Mr. Guinness.*] Did I understand you to say, the last time you gave evidence, that the clerk sent to you two copies of Mr. Easton's evidence?—No; one copy of Mr. Easton's evidence, and one of my own.

191. Where did you get the second copy?—I never had a second. The clerk sent me a copy of the petition, a copy of Mr. Easton's evidence, and a copy of my own evidence, with a covering-letter asking me to return my evidence when it was corrected. I corrected my own evidence, and returned it, and retained Mr. Easton's evidence, which I returned this morning.

192. *Sir J. G. Ward.*] Did the clerk write and tell you that, under direction of the Committee, you were to retain that?—No; the clerk posted the evidence to my hotel. Everything I had I have returned to the Committee.

193. *Mr. Pirani.*] I have been looking through the evidence and see no permission from the Committee to you to retain that copy of the evidence?—It should be in the evidence. I asked distinctly that I might have a copy of the evidence to look at during the following week, to which the Committee adjourned.

194. That was the understanding?—Yes; it was more than an understanding. I could not possibly reply to anything in the room, and asked to be allowed to have this evidence to enable me to look up documentary evidence.

195. The reason I asked the question was because the clerk stated that he received no instructions to allow you to retain any portion of the evidence, so that if it was in the evidence it would be in contradiction of the clerk; but from what I can understand it was evidently an understanding with the Committee?—Yes; it was distinctly understood.

ALBERT ELIAS COHEN recalled. (No 28.)

196. *The Chairman.*] You are aware, I presume, that the House has referred to us the question of a further publication of evidence in the columns of the *Evening Star* of the 27th August?—I am aware that a motion was carried in the House of Representatives to that effect.

197. Are you prepared to inform this Committee of how the *Evening Star* became possessed of that evidence?—I assume the same attitude that I assumed on the previous occasion.

198. Then, you wish the Committee to understand that your written memorandum is practically duplicated in regard to this second publication?—Yes.

199. In point of fact, your reply is that you became possessed of the information yourself in what you claim to be an honourable way, that you did not obtain it from any officer of the House, and that you decline to say from whom you got it?—That is the position, sir.

200. You know that a Committee of the House has power to call for persons and papers?—Yes.

201. And that in absolutely declining to give the name of the person who gave that information to you it is the duty of the Committee to report that circumstance to the House?—I am aware that the Committee has that power. I think I made it distinct before that the matter was published for the good of the public, and that in my refusal to give the information there is no attempt in any way to show the slightest disrespect to the Committee. It is merely a question of journalistic practice.

202. You are also aware that the Committee is set up not of its own volition, and that its duty is to report what takes place here?—I am aware of that.

203. *Mr. Guinness.*] You decline, I understand, to answer the question from whom and by what means you became possessed of the information that was published in the paper of the 27th August?—Yes; we take the responsibility of publication, and I do not think I ought to be placed in a false position. I do not wish to appeal to the Chairman for protection; but, from what I understand, the House passed a resolution declaring that the *Evening Star* has committed a breach of privilege, and therefore I am in the position of an accused person. Mr. Guinness is a member of the Bar, and knows himself that it is not the right thing to suggest that a witness should be called upon to give evidence that may incriminate himself.

204. *The Chairman.*] Is it not a case of incriminating some other person?—Possibly you might put it that way. I wish again to emphasize as much as I possibly can the fact that the information reached our hands in good faith. I think Mr. Pirani, in his speech in the House on the point, showed what vital importance to Otago and the dredging industry generally the matter is, and if ever there was a question in which publicity was required this seems to be one. I might say before I leave that if the Committee could see its way in any form to relax the rule with reference to Committee proceedings it would be of great advantage not only to the public generally, but to other reporters. Information is brought to us about matters of public import, and, because the Committee has not reported, we are liable to be brought up for a breach of privilege; while if we refuse to publish matter given to us by a member on one occasion he may refuse to give us other matter on a future occasion. A good feeling has always subsisted between members of the House and myself, and I should be glad if this rule, which is an arbitrary one, and is more honoured in the breach than the observance, were relaxed. I merely throw out the suggestion for what it is worth.

THURSDAY, 5TH SEPTEMBER, 1901.

Mr. JAMES ALLEN, M.H.R., examined. (No. 29.)

1. *The Chairman.*] Are you a member of the Goldfields and Mines Committee of the House?—Yes.

2. Were you present at a meeting of that Committee held on the 15th August?—Yes.

3. Were you also present at a meeting held on the 22nd August?—I was.

4. After the meeting held on the 15th, was there laid upon the table of the Committee a typewritten copy of the evidence taken that day?—I believe there was; I could not say definitely.

5. Did you or did you not communicate to the reporter of the *Evening Star*, or to any other person, the evidence taken?—No.

6. Do you know who did?—No.

7. *Mr. Guinness.*] Did you receive a typewritten copy of the evidence given by Mr. Easton for correction?—I received one. I will not be sure whose evidence it was. I had it from Mr. Herries, I think, but I will not be sure.

8. *Sir J. G. Ward.*] You brought the matter up before the other Committee?—I did. I noticed the report in the *Evening Star*, of which I think I had a copy with me, and I drew the attention of the Committee to it.

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