

## MINUTES OF EVIDENCE.

THURSDAY, 1ST AUGUST, 1912.

WILLIAM SINCLAIR SWORN and examined. (No. 1.)

1. *The Chairman.*] What is your name?—William Sinclair.
2. Where do you reside?—Blenheim.
3. What is your occupation?—Barrister and solicitor of the Supreme Court of New Zealand.
4. Practising in Blenheim?—Yes.
5. Mr. Sinclair, you have a copy of the order of reference to this Committee?—No, sir.
6. Have you read it?—No, I have not.
7. I will read it to you: “Ordered, That a Committee of Privilege be appointed to inquire into and report on the publication of a letter written by William Sinclair to William Carr on the 25th March last reflecting on the character of Richard McCallum, a member of this House; the Committee to have power to call for persons, papers, and records, and to report within three days.” We purpose not going into the merits of the case, but to devote our attention to an inquiry respecting the publication of this letter alleged to have been written by you to Mr. William Carr?—Yes, sir, I desire that that should be done—that as to the manner of the publication I should be allowed to prove how that was done. I am quite willing to be frank—I do not wish to conceal anything. Later I shall ask the Committee to call the member for Wanganui (Mr. Veitch). I sent him a letter, and I believe he handed that letter to Mr. McCallum.
- Mr. Skerrett, K.C.:* May I ask for permission to appear, with my learned friend Mr. Atkinson, for Mr. McCallum?
- The Chairman:* Yes. Have you the letter, Mr. Skerrett?
- Mr. Skerrett:* No, I have not the letter.
- Mr. Sinclair:* I am prepared to hand in a copy of the letter sent to Mr. Carr, which was similar to that sent to Mr. Veitch.
8. *The Chairman.*] Is that a copy, marked “A” [produced], which was read by Mr. McCallum to the House, and which has been referred to this Committee?—Yes, sir.
9. *Mr. Lee.*] Was that particular paper received by Mr. Carr?—I cannot say.
10. *The Chairman.*] You wrote this letter dated the 25th March addressed to whom?—William Carr, who is a client of mine. I wrote that as a solicitor to my client.
11. Do you know what became of the original letter?—The original letter, so far as I know, Mr. Carr would have.
12. Do you know into whose hands a copy went?—I sent a copy to Mr. Veitch, member for Wanganui.
13. Do you know whether this is a copy of the letter you sent?—I believe it to be a true copy, but I do not know whether it is the original one. This is a copy of a letter I sent to Mr. Veitch, member for Wanganui: “Private and confidential.—High Street, Blenheim, 30th March, 1912. —DEAR SIR,—Wairau election petition case, 1912: Thinking you may, as a member of the Reform party, be interested in the trial of the Wairau election petition recently held in Blenheim, I beg to enclose a copy of the report on the case in which I was engaged as counsel for the petitioners. In addition to the report, suggestions are made as to the methods to be adopted to have the judgment of Williams and Chapman, JJ., reviewed by the Privy Council in the interests of the purity of elections. The whole subject will be brought before Parliament next session.—Yours faithfully.” This is not signed, but the original was signed “William Sinclair,” and was addressed to Mr. Veitch, member for Wanganui. When the proper time arrives I mean to contend that both these letters were privileged: The letter to Mr. Carr was privileged because it was written to him by me as solicitor to client. I also mean to contend that the letter I wrote to Mr. Veitch was privileged because I as an elector had a right to write to a member of Parliament. I had an object in view—that is, the purity of elections. I had resolved to present a petition to the House. I wrote that letter with a view to asking that an Act of Parliament should be passed in order to have the judgment of the Election Court reviewed, not with the object of having Mr. McCallum removed from the House, but in order to ascertain whether the judgment laid down by the Judges was in accordance with the laws of England. With all respect to the Judges, I maintain that their judgment was erroneous in law. What I wished to show was that the notes of the Judges and the judgment should be sent to the Privy Council to decide whether the judgment was in accordance with law. That being so, I submit that as a matter of law I had a right to write to any member of Parliament setting forth the facts with a view to that being done. I have a large number of authorities which I wish to bring before the Committee. If I thought we were going to be called before the House I would not inflict these authorities on the Committee at this stage, but if I am not going before the House, then I should lose my opportunity; so that I ask the Committee to be patient while I refer to the authorities.
14. We are merely calling you as a witness at present?—Is that so, sir?
15. We are inquiring now as to the publication of the letter. Have you anything further to say?—I have nothing further at this stage to say than that I hope to have the privilege of calling Mr. Veitch with regard to the privilege of publication. That is all I have to say at present.