

the inquiry of the parliamentary Committee on 1st proximo to give evidence *re* the publication of a letter written by William Sinclair to me on the 25th March last. In reply I beg to say that, while I have every desire to treat the Committee with courtesy and to facilitate its inquiries, I cannot see my way clear to attend personally at my own expense in Wellington on the date named, especially in reference to a matter in which I claim to be in nowise concerned. I desire to say, with the utmost emphasis, that whatever our personal views may be relative to the conduct of the Wairau election, or the decision of the Court in the election petition case, neither I nor the other petitioners have been in any way party or privy to the publication of the letter of the 25th March referred to, and they and I disclaim any responsibility in the matter.—WILLIAM CARR."

*Mr. Sinclair:* That is quite correct. I may say that I have had no communication with Mr. Carr, but that is correct.

RICHARD MCCALLUM sworn and examined. (No. 3.)

1. *Mr. Skerrett.*] Your name is Richard McCallum?—Yes.
2. And you are a member of Parliament for Wairau?—I am.
3. Do you remember the time and date on which you received a copy of the letter written by Mr. Sinclair to Mr. Carr?—Yes, I got it at the supper adjournment on Wednesday, the 3rd July, at about half past 10.
4. *Mr. Lang.*] Was that the first intimation you got of the letter?—No, it was not. I met Mr. Veitch during the first week we sat in Parliament, and he said, "I have a document at home that you should see"; and I said, "I should be delighted to have the document forthcoming," because I had heard of it. He went back to Wanganui, and returned to Wellington about Tuesday, and he gave it to me on the Wednesday. He mentioned that he had a private and confidential document also, but I said I did not want to look at it. I saw him destroy it. I would not have anything to do with that, and did not read it.
5. *Hon. Mr. Fraser.*] Did you understand that the covering letter alone was confidential and not the document enclosed with it?—Yes; but I do not think we discussed that. I did not know what was in the private and confidential letter.
6. But Mr. Veitch did inform you that it came in a covering letter marked "Private and confidential"?—Yes, the envelope sent to him contained another letter. I had the idea that the covering letter was asking for subscriptions in connection with the lawsuit.
7. You stated just now that Mr. Veitch handed it to you. There was contained in the envelope another letter marked "Private and confidential"?—Yes.
8. Would not that appear to you as covering that document?—Yes, I knew it was a covering letter.
9. Of the letter marked "Private and confidential"?—That is a matter of opinion.
10. No, it is a matter of fact. You said that you understood from Mr. Veitch that in the same envelope was a letter marked "Private and confidential." What I ask is whether you did not consider the enclosure was equally so?—I did not consider the long document private and confidential, and told Mr. Veitch so. That was an enclosure. The libel was not marked "Private and confidential." There was another letter which I thought was a begging letter in connection with the prosecution, and I did not read that.
11. *Mr. Atmore.*] Do you not think that if the heading "Private and confidential" was always to be respected it would be possible to make infamous attacks on any man without the matter being brought to light?—I say there is no privilege attaching to a libellous document. That gives no privilege to the writer of the letter. In law it is of no weight whatever, and Mr. Skerrett will back me up in that opinion. There can be no privilege in connection with a scandalous statement.
12. My reason for asking was to find out whether any code of ethics had been infringed?—None whatever. The document not marked "Private and confidential" was the document I was concerned in, and which I had heard of before Mr. Veitch told me of it. I might say, in justice to Mr. Veitch, that I have had admissions from several members of the House that they had got a similar communication. At the time I was speaking in the House a number of members said they had got similar communications.
13. *The Chairman.*] You are aware that this publication of the letter was declared to be a breach of privilege in the House?—Yes.
14. And what was referred to in this letter had come under the consideration of the Supreme Court?—Yes.
15. They were all points which had been considered by the Judges?—Nearly all.
16. And the result of the case?—Was the dismissal of the petition.

*Mr. Sinclair:* I submit that the House has not yet declared that the publication was a breach of privilege.

*The Chairman:* Will you show me on what page that is to be found?

*Mr. Sinclair:* On page 257 of *Hansard* the Hon. Mr. T. Mackenzie moved, "That a Committee of Privilege be appointed to inquire into and report on the publication of a letter by William Sinclair to William Carr on the 25th March last reflecting on the character of Richard McCallum, a member of this House." Therefore I submit that it is for this Committee to report and for the House to consider afterwards whether a breach of privilege was committed. I desire to be heard in my defence in order that I may prove that a breach of privilege has not been committed. I am the defendant, and I understand it is a fundamental principle of British justice that no man shall be condemned before being heard. I am here to show that no breach of privilege has been committed, and I desire that the Committee shall hear me.