

His Worship: Mr. Ostler, we will have to be very clear, if the Commission is to be altered at your instance—we will have to be very clear as to the extent to which it is to go with regard to the first two charges. Are you satisfied? “If there is any doubt about the Commissioner’s powers authority will be given him to investigate both charges.”

Mr. Ostler: If your Worship will listen to the charges as I read them and say that under that Commission your Worship has power to investigate those two charges, I will be quite satisfied. The position is that charges were made by our client at the public meeting held in Auckland on the 11th July. [First two charges read.] If your Worship says that under that Commission you have power to investigate those two charges, I do not wish the Commission altered in that respect.

His Worship: I can only say that I am empowered to inquire into “charges publicly made by the Rev. Howard Elliott against the officers of the Post Office to the effect that certain circular notices posted at Auckland on or about the 6th day of July, 1917, relative to a meeting to be held at Auckland by the Protestant Political Association were corruptly or improperly suppressed or detained by those officers.” I think it would meet the difficulty, Mr. Ostler, if you, in conference with Mr. Gray, should agree that we should inquire into those two charges in the terms in which I have been addressed.

Mr. Gray: I am quite agreeable. I may say that so far as the Post Office is concerned it is anxious that all charges, so far as they concern the suppression of letters, shall be fully inquired into. I think the terms of the Commission are sufficiently wide to cover them. They are so inter-related that evidence, even if confined to the circulars mentioned in the Commission, would necessitate evidence being adduced in relation to others. I am satisfied that your Worship should take the evidence relating to these two charges.

His Worship: “As to charge No. 3”—is there any objection to putting the telegram in? [Charge read.] “As to charge No. 3, this in part relates to the improper detention and to the non-delivery of letters addressed to box 912, and in part it relates to the actions of the Censor. . . . Fourth, the public and the Press will, unless the Commissioner sees any objection, be admitted to the inquiry, which will, I understand, be held in a Courtroom in Auckland.” That goes without saying. I would not hold an inquiry that was not public. This opens a very wide field, Mr. Gray, and may lead to considerable complications. I understand that the Chief Military Censor—I do not know him at all—is an Imperial officer, and the most vital interests of the Empire may be in his hands. I expect he will plead privilege or absolutely refuse to answer any question put to him.

Mr. Ostler: We have the assurance of the Right Hon. the Prime Minister that he will explain what he has done with these letters.

His Worship: But he has no control over the Censor.

Mr. Ostler: As a matter of fact, that is not so. The Military Censor in New Zealand is under the control of the Minister of Defence, and is a New Zealand officer.

His Worship: We could clear up that point, of course.

Mr. Ostler: As far as that is concerned we have the assurance of the Prime Minister that he will allow the Censor to explain what he has done with these letters; and as far as we can get at the truth we want it.

His Worship: We all want the truth. Nevertheless I foresee very great difficulty in connection with this, and it makes it most necessary that I should have clearly defined, in the most clear-cut way—that I should know what I am authorized to inquire into. You will agree, of course. When I interrupted I assumed you wanted me to act upon this. It was my mistake—I am a bit hasty. I am going to throw the onus on the Government. They will have absolutely to define in the most clear way what I am empowered to inquire into, especially when it is a question affecting the censorship, which I understand was set up by the Imperial authorities—you say the Defence: that is news to me—I assume it is entirely an Imperial matter. It is quite possible there may be fresh light thrown upon that—I do not know. I quite recognize it will be properly within your sphere to ascertain where the authority of the Censor comes from. I am going to throw the onus on the Government. If I were a Minister of the Crown I should be very careful what I set out in that Commission. It will certainly place the head Censor or the local Censor in a very peculiar position. Of course, that will be very carefully considered by Cabinet. It is no part of my business at this stage. Of course, I do not dictate to the Government how they shall deal with this matter. They will have to be very, very careful, I think, or there may be conflict of the Imperial interests with the local.

Mr. Gray: I am instructed that the Censor is an officer appointed by the War Office. There are Deputy Censors at various places in New Zealand who act under his control—they act under the instructions of the Chief Military Censor. As far as the Post Office is concerned, the Post Office is willing to give every facility to inquire into every allegation of delay or detention under charge No. 3.

His Worship: Has any of this difficulty arisen from the Post Office Censor?

Mr. Gray: The Post Office Censor is directly answerable to the Chief Military Censor.

His Worship: Who appoints him?

Mr. Gray: I do not know; but he answers to the Military Censor.

Mr. Ostler: I understand the Auckland Censor is a Postal officer.

Mr. Gray: As a matter of fact, I understand, the Censors were officers of the Post Office who had postal experience. The local Censor has an office in the post-office as a matter of convenience, but he acts under the instructions of the Military Censor, from whom he has instructions. The Post Office itself is bound to obey the Military Censor.

His Worship: But the most vital interests—Imperial interests—may be at stake.

Mr. Gray: I am authorized to say a very great deal of valuable information has been obtained in New Zealand through the censorship established at the outbreak of war. This particular