

MINUTES OF EVIDENCE.

MONDAY, 23RD JULY, 1888.—(Hon. Sir G. M. O'RORKE, Chairman.)

Major F. E. CAMPBELL, Clerk of Parliaments, in attendance and examined.

1. *The Chairman.*] Do you recollect a paper being laid on the table of the House by the Native Minister with regard to some remarks that were made by Mr. Hamlin in the course of his speech?—Yes.

2. Were you aware of the nature of that document when it was being presented?—No; I was not.

3. From your own experience, as Clerk of the House, did you think it was necessary that that document should have been presented "by command of His Excellency," instead of on the authority simply of a Minister?—I have not read the paper, and, therefore, cannot answer the question. I think that would be in the discretion of the Minister presenting it.

4. I observe that some papers are presented "by command" and others "by leave;" would you be good enough to explain the difference between these forms in regard to papers presented to the House?—I think that the more important papers or documents are usually presented "by command," as far as my experience goes. But it frequently happens that, if a paper is sent to a Minister during the sitting of the House, or if the printing of it has only just been completed, and it is thought desirable to present it without loss of time, the Minister would present it "by leave of the House" rather than wait for the Governor's authority to present it "by command." Many papers, I am aware, are presented "by leave of the House" in that way.

5. Your answer would lead us to suppose that, in your opinion, all papers should be presented "by command"?—I think so; I think it is the usual parliamentary practice for a Minister to present papers "by command," except in the case of papers which are returns to the order of the House or are presented pursuant to an Act of Parliament.

6. Will your memory assist you in telling the Committee in what terms the Minister announced the presentation of the paper?—It is usual to state whether the paper is presented "by command," or whether it is a "return to an order of the House," or whether it is presented "pursuant to an Act," or "by leave;" if "by leave," he simply asks the leave of the House.

7. That is not the point I want to know: what I want to know is whether you recollect if the Minister announced distinctly what was the nature of the paper presented; this paper has a title to it?—I could not say positively whether the title was read, but it is almost invariably the case that the Minister does read the title of the paper.

8. I think you have stated to the Committee that you were aware of the purport of the paper?—Of the purport of the paper I was, but I have not read it.

9. With reference to the custom of the House of Commons, I have gone through the index of one of their Journals under the heading Accounts and Papers presented with you, Major Campbell, and found that they were invariably presented "by command," except returns?—Since I looked through the index of the papers presented to the House of Commons I have also looked through a great many volumes, with the result that I find your statement borne out by subsequent investigation. They are invariably presented "by command," or "pursuant to an order of the House," or "by Act."

10. *Hon. Sir J. Hall.*] You are aware that this Committee has been appointed to inquire whether laying this paper on the table of the House constituted a breach of the privileges of the House?—Yes.

11. Are you aware of any precedent of the Imperial Parliament, or any authority bearing on the question, whether papers laid on the table of the House "by command," under circumstances at all similar to those which have taken place here, are a breach of privilege?—I have made search and I cannot find anything bearing on the point in regard to the Imperial Parliament.

12. Of course, there is the general question, the rule which is absolute, that no comment is to be made on a speech delivered in the House. There is the further rule that any notice by the Sovereign—that is, the Crown—of what takes place in the House of Commons with a view to interfere with the proceedings or influence the decision of Parliament would be a breach of privilege?—I can find nothing precisely in point.

13. *Mr. Walker.*] What do you infer from that? Is it that the privileges of Parliament being undoubted no breach of them is recorded?—I have not been able to find any case in point. I am not aware of any precedent.

14. Is it that that privilege has been undoubted, and therefore never attempted to be invaded. You refer to the English Parliament?—I have not been able to find a case.

15. *The Chairman.*] Do you know the case of Mr. Barton and Judge Richmond?—I remember that.

16. In what year was it?—I think, 1878.

17. *Hon. Mr. Ballance.*] If a person is reflected on in Parliament, and aspersions are made upon him, what is his remedy? Have you come across a case where a person has been aspersed in Parliament and where he tried to answer the aspersions?—Do you ask my opinion as to what course he should pursue?

18. What I ask is whether you have come across any case for the investigation of the circumstances?—No; I cannot say that I have. I would ask whether the case of a Government or public officer is referred to?

19. To any one?—I think there are many cases where aspersions have been passed on private persons and they have tried to resent it.