

MONDAY, 11TH JULY, 1898.

The Commission sat at 10 o'clock a.m.

*Present* : Messrs. Wardell and Poynton.

The minutes of the previous meeting were read and confirmed.

Colonel Hume, Mr. Tunbridge, and Mr. T. E. Taylor, M.H.R., were in attendance.

The Premier, the Right Hon. R. J. Seddon, and the Hon. T. Thompson, Minister of Justice, were in attendance.

Addressing Mr. Seddon and Mr. Thompson,

*The Chairman* stated : The Commission issued a subpoena for your attendance on the application of Mr. Taylor, as he alleged that he wished to examine you on matters connected with the control and general organization of the Police Force.

*Mr. Seddon* : Mr. Chairman, I came here this morning, as I did not wish to show any disrespect to the Commission. For State reasons, and believing as I do that it is unconstitutional for me to be here to tender evidence—in fact, you might just as well summon His Excellency the Governor—upon the points which have been submitted—as far as I am concerned, there is nothing that I can do or say to throw light on the question. To appreciate my position, take, for instance, a question that is mentioned here in this list supplied to me—of recruiting. It might be that I should say the system of recruiting from the Permanent Artillery was not in the best interests of the Police Force. If I were to express that opinion the Commission, in reporting or recommending to His Excellency the Governor—which is practically recommending to me or the Government—might adopt my view, and it would be then said that it was not the report of the Commission, or the opinion of the Commissioners, for they had simply indorsed the opinion of the Prime Minister. Under these circumstances I, as I have said, not wishing to show any disrespect to the Commission, have obeyed the subpoena, but for State reasons I think it is not expedient to tender evidence. I shall therefore decline to be examined, and hope the reasons I have given will be satisfactory to you in supporting the position I have taken up.

*The Chairman* : Mr. Taylor, have you anything to urge ?

*Mr. T. E. Taylor* : Yes ; I wish to draw your attention to this fact : that under the order of reference which authorises you to inquire into certain matters you are empowered to call any persons or papers to throw light upon the Police Force in connection with reforms in that department of the public service, and any person or paper which might throw light on the causes which have led to discontent in and disorganization and demoralisation of the Force. Now, if the Force had been entirely under the control of the Commissioner, the Commissioner would undoubtedly have been available for thorough examination of the methods and causes alleged to be injurious to the Force ; but, as a fact, the Police Force have not been under the control of the Commissioner, because the Commissioner has admitted to you that it has been Ministerially controlled, and the reasons given for certain actions and things which have been done are that they are only known to the Ministers who have instructed the department to do them. Now, before the Commission can ascertain the causes for discontent, disorganization, and demoralisation of the Force, facts which are only in the possession of the Minister must be elicited. The action is not the Commissioner's, it is the Minister's action. The authorities do not admit that a member of Parliament can claim any privilege against such a tribunal as you preside over. May's "Parliamentary Practice," page 111, says, "The claim to resist subpoenas upon the same principle as other personal privileges—viz., the paramount right of Parliament to the attendance and service of its members—was maintained in former times. Of late years, so far as withholding the attendance of members as witnesses in Courts of justice, the Commons grant leave of absence to their members on the ground that they have been summoned as witnesses, and have admitted the same excuse for defaulters at calls of the House. But, although this claim of privilege is not now enforced as regards other Courts, one House will not permit its members to be summoned by the other without a message desiring his attendance, nor without the consent of the member whose attendance is required ; and it may be doubtful whether the House would not protect a member served with a subpoena from the legal consequences of non-attendance in a Court of justice, if permission had not been previously granted by the House for his attendance." Now, it will be within your recollection that a Royal Commission was sitting in Wellington a few years ago in connection with some missing documents or reports of Colonel Fox, and the whole Cabinet—including all the Ministers without exception—were examined before that Commission upon oath. So that a precedent is established there ; and I submit that the occasion for that inquiry was nothing like so important as the matters connected with this inquiry. Take a case in point : The Commissioner says he has nothing to do with appointments, and that a number of appointments from the Permanent Artillery have been exceedingly bad. Then, we have it in evidence that a large number of appointments have been made in defiance of the law, and I say it is within the scope of this Commission to inquire why those appointments have been made. There are a large number of men who have been exceptionally treated, and we want to find out why they have been exceptionally treated ; and I submit that the key that will give you the explanation of many matters which have been before you during this inquiry is in the possession of Ministers—the present Defence Minister, and the Minister who was his predecessor. That is the position, and if the Commission is not to be balked in its main purpose, then, I submit, Minister must place before the Commission any facts required—not necessarily opinions—and if they, as the guardians of public documents, and trustees of certain matters for the time being, are to be permitted to refuse such information, then, I say, the purpose of the Commission is set at naught, and practically you are defied by persons who refuse to come under your interrogation.

*Mr. Seddon* : I claim no privilege. The reference in May has no reference to my case. That referred to claims to exemption by members of Parliament.

*The Chairman* : We quite understand that, and had taken the matter Mr. Taylor referred to into consideration prior to issuing the summons.