

*Mr. Seddon* : I wish to put myself right. I claim no privilege whatever. On the constitutional phase of the question, which Mr. Taylor did not touch upon at all, I said you might just as well ask His Excellency the Governor to attend. Now, with regard to the appointments which it has been stated has been made by the Defence Minister, there is a complete answer, for His Excellency the Governor cannot ask me why I have appointed any person. Now, if His Excellency the Governor cannot ask me, he being the head of the colony, how can he ask me through the Commission? I am not answerable to any one except Parliament in that respect, therefore Mr. Taylor has cut the ground from under his own feet. Then we come to another point, that Ministers of the Crown have given evidence before a Royal Commission, but the circumstances were entirely different. In respect of a document lost in transmission and appearing in a public print, and where Ministers themselves under the circumstances were directly concerned and desirous, of course, of putting their information before the country, that was entirely another matter. I could volunteer evidence before you, and if I thought fit.

*Mr. Taylor* : And betray your trust.

*Mr. Seddon* : It would be entirely unconstitutional, on the ground that your investigation is of such a character as to make it so. In the Fox Commission there was no question of maladministration whatever against the Government of the day or any of the Ministers. In another Commission it was purely a question of ascertaining the best means of dealing with confiscated land in which the Maoris had been wronged and which the Maoris had claimed, and which had been the subject of petition for years. In that case every Minister went before the Commission to help them in respect of that matter, and if there was nothing contrary to the position of a Minister I might do the same on another Commission to-morrow if the circumstances were the same. But as far as this Commission is concerned the circumstances are different, and I think Mr. Taylor fully recognises that. We had the matter laid down before this Commission sat that no Government could set up a Commission to try itself. A Government has to be tried by Parliament—Ministers can go before their peers and no one else. That is the well-known constitutional position. Under the circumstances, then, for State reasons and in accordance with parliamentary practice, I must, whilst submitting myself before the Commission to show my respect for it, at the same time say that nothing has been said which will change me from the determination which I have come to, and which I believe is a proper one.

*Mr. Taylor* : Can you quote any authority?

*Mr. Seddon* : Mr. Ritchie, president of the Board of Trade at Home, presented himself before a Commission and said that for State reasons he declined to give evidence.

*The Chairman* : He assigned the same reasons that you give?

*Mr. Seddon* : So I am given to understand. That is the only case I have heard of in connection with anything of the sort.

*Mr. Taylor* : What was the case?

*Mr. Seddon* : It was some inquiry, and he tendered himself. But, at all events, if there was no precedent I—

*Mr. Taylor* : You would make one.

*Mr. Seddon* : I would make one.

*The Chairman* : With regard to the question of privilege, as I intimated, we understood on reference to May that we had the power to issue the summons, and in the exercise of that power we did so. The Premier has appeared in answer to that summons, and has assigned certain reasons for declining to give evidence. It is for us to say whether, in our opinion, these reasons are sufficient. On a former occasion I intimated that I thought they were, and I still think so. I think that we cannot call a Minister of the Crown to account for his Ministerial actions. It is admitted that the department is under the control of a Minister. That being so, I take it that he, as a Minister, is responsible for his Ministerial actions to the Governor and to Parliament, and that we, as a Commission set up by the Governor, are not empowered or entitled to examine him upon those acts for which he must be exclusively responsible to the powers I have named—certainly to Parliament, if not personally to the Governor as the Premier says. With regard to the case referred to—the Fox Commission—I see a very broad distinction between that inquiry and this. That was an inquiry limited to a mere question of fact as to which no question of Ministerial action was involved; but here the list of matters which Mr. Taylor proposed to put before the Premier evidently touches Ministerial policy. The question of pensioning- and retiring-allowances are clearly matters of Ministerial policy, and the other matters enumerated in the list are matters of Ministerial action; and taking the view I have taken I am of opinion that we cannot compel the Premier to give evidence.

*Mr. Taylor* : If the Right Hon. the Premier is responsible to the Governor for his actions, is he not responsible to a Royal Commission appointed by the Governor? You have your authority from the Governor.

*The Chairman* : I accept the Premier's assurance. I take it he speaks as an expert on that matter, that the Governor, as Governor, cannot call him to account for his action, that his responsibility constitutionally is to Parliament. Having formed that opinion, I, for my part, consider the reasons assigned sufficient, and exonerate the Premier from answering any questions on the subject.

*Mr. Poynton* : The only thing we have to consider as Royal Commissioners is whether we ought in face of the refusal to give evidence to impose a penalty. In my opinion, no Judge would impose a penalty under the circumstances. The Premier is called here and alleges that he is called to account for Ministerial acts for which he is accountable only to Parliament. That is to say, no doubt, if his acts are Ministerial acts he is not responsible to this body but to Parliament. The list of items submitted by Mr. Taylor comes within the definition of Ministerial acts. Under section 2 of the Police Force Act the Governor has power to embody a Police Force. Under