

House, and which refers to another branch of the Legislature. Constitutionally this Committee has no power to try a member of another place. That is the procedure adopted by the Old Country, where matters involving members of the House of Lords requiring to be investigated have never been known to be dealt with by the members of the House of Commons. I think the particular case referred to should be fully investigated, but it would be better to have it investigated by Judges of the Supreme Court, and so remove a difficulty of the moment which has to be recognized constitutionally so far as this Committee is concerned. And I make my proposal for another reason. Not only are living men being reflected upon until these charges are dealt with, but it may arise that the actions of dead men will be reflected upon. Personally I do not want, as a member of this Committee, to be put in a position of having to deal with cases of that kind, though I want here to say that, so far as my Government is concerned, I court the fullest investigation. But from every standpoint it seems to me to be desirable that these cases should be referred to two Judges of the Supreme Court. It will take them out of the party stream, it will, as far as the country is concerned, undeniably give much greater confidence in connection with these and any other matters that may come up for consideration, and for these reasons I want to ask the Committee to agree to my resolution to report to the House and submit the minutes and evidence so far as we have gone, so that the Government may take the necessary steps to have the whole of the charges referred to two Judges of the Supreme Court for investigation and report.

*Mr Massey* I should just like to say, in connection with the motion moved by the Right Hon. the Prime Minister, that, speaking for myself, I have not the slightest objection to the charges being referred for inquiry to two Judges of the Supreme Court. I have felt from the very first that these charges, if inquired into at all, should be inquired into by a competent and impartial tribunal, and removed from party politics, and I have said that from time to time. There is one point which I do not think has occurred to the Right Hon. the Prime Minister. This is a matter really for the House, and I think the order of reference will have to be readjusted according to the altered circumstances, at any rate, we need not be particular about the order of reference so far as we are concerned. One point referred to by me and not referred to by the Right Hon. Sir Joseph Ward—and I raise the point now to relieve a difficulty which might appear later on—is that I have been looking into the law on the subject, and have some doubt as to whether a Commission—even a Royal Commission—has jurisdiction in a case of this kind. I refer to one particular case—the Ohinemuri licensing case—where it was decided that the Commission had no jurisdiction, and was therefore powerless. I think Sir Joseph Ward should consult the Crown Law Office to ascertain whether two Judges of the Supreme Court would have jurisdiction in the matter.

*Right Hon. Sir J G Ward* I shall be very glad to do so.

*Mr Fraser* We can do it by statute.

*Mr Massey* There is one thing that wants clearing up: The Prime Minister states that he was willing from the very first to consent to two Supreme Court Judges making the inquiry if Mr Hine formulated his charges. I went to Mr Hine to see what he said in the House, and found that he said that if Sir Joseph Ward would come to a decision to send the charges to the Judges of the Supreme Court, he would formulate his charges there and then.

*Right Hon. Sir J G Ward* Without the names.

*Mr Massey* Well, Mr Hine stated that he would formulate his charges there and then in the House if the Right Hon. Sir Joseph Ward would promise to appoint two Supreme Court Judges.

*Members of Committee* If he gave the names.

*Mr Massey* We shall get that before the Committee ourselves when I make my motion, and I wish to state that I support the motion now made by the Right Hon. the Prime Minister.

*Right Hon. Sir J G Ward*: It will be found on reference to *Hansard* that up to the very last I asked for the names and cases several times in the House, but Mr Hine would not give the names. I then wanted to get the matter before the Committee in order to get the facts. I have got the facts, and I now think they should be set out in a Commission to two Supreme Court Judges. As far as the Government is concerned, we want to keep these cases to individuals. I want, as far as the Government is concerned, to have these cases fully investigated, because we have done nothing wrong in these cases, and my proposal would remove the matter from a party point of view. It is plain that unfair insinuations have been made by the Opposition papers, and I think there should be no doubt about the position as to the independence of the tribunal which is going to try the cases. There is a minor charge introduced about some letter having been sent to a newspaper, and against the writer Mr Hine makes a charge. As far as we are concerned, it is a proper thing to be investigated, but on the face of it it is a matter between the individual and the newspaper concerned. That is one of a number of charges, and as the cases go on we may find ourselves in the position of being accused of trying to prevent an inquiry. I think it should be done by an independent tribunal.

*Mr Allen*. I think, during the discussion as to setting up a Commission Mr Hine continually stated in the House—it was on the debate that Mr Hine made the statement—that he was prepared to formulate his charges and give the names if the Prime Minister would promise to set up a Commission to inquire into them. He said he would give his names then and there. It is only fair to Mr Hine that that should be put on record.

*Right Hon. Sir J G Ward* I asked Mr Hine repeatedly in the House to give the names.

*Mr Allen* If there is any doubt at all about the power of two Judges of the Supreme Court having jurisdiction—doubts that occur owing to the recent case—I presume the Prime Minister will give us his promise that if there is any doubt it shall be removed. I understand it is possible to get over the difficulty by Act of Parliament, and I presume that Act of Parliament will be put through. Reference was made by the Prime Minister to other cases, and I think it would be only fair to let this Committee know what our procedure would be in connection with those cases. I should like to know the nature of them.