

it with the Union Jack." We want to know why our letters are censored when that sort of thing is allowed to go through the Press of New Zealand without the slightest attempt being made to either censor or prosecute, and I think the public will admit we are entitled to attempt to get an answer. Week by week this sort of thing is coming from that Press. Time does not permit, and I will pass on. I want to find out this—I do not know whether it is so or not, but I believe it to be a fact that the Catholic Federation, which is the political body in defence of Catholicism in New Zealand, and is exactly on a par with this body and entitled to be treated the same—so far as I am aware not the slightest attempt has been made to censor its correspondence, and letters addressed to its box, which I believe is box 453, are allowed to come and go without being opened at all. If that is so I submit it will be extremely difficult to get the public to believe that the treatment of the Political Association is not due to the sinister and underground political influence of the Church of Rome. It has been stated by my friend Mr. Gray that the Censor is an officer appointed and under the control of the Imperial Government, and that the Government of New Zealand has no control over him. With very great respect to my learned friend I submit that such a statement is absurd.

*Mr. Gray:* I submit for your Worship this is not within the scope of the order of reference, and that my learned friend has no power to go into matters connected with the authority or power of the Censor.

*His Worship:* He has the right to ask the questions, and they can be refused. He makes a statement which he submits can be supported by evidence.

*Mr. Gray:* But he cannot, and your Worship should not allow the questions to be put.

*His Worship:* To what particular matter do you refer?

*Mr. Gray:* My friend is disputing a statement imputed to me—that the New Zealand Government has no control over the censorship.

*Mr. Ostler:* This is not a matter of evidence at all; this is a matter of legal argument. I am not calling any evidence at all; I am just stating a few reflections of logic and law—why it is claimed the Censor is a New Zealand officer and under the control of the New Zealand Government, and subject to its directions.

*His Worship:* I will not stop you.

*Mr. Ostler:* By the Constitution Act the sole power of legislation and administration was vested in the New Zealand Parliament, and in matters of purely local concern the Imperial Government has no voice whatever. Now, the Post Office, at any rate so far as regards its inland services—and this complaint deals entirely with the inland service—is entirely a matter of local concern; and no Post Office Bill has ever been so much as reserved for the consent of His Majesty in Council. It has always been recognized from the date of the Constitution Act that the New Zealand Government has power over the New Zealand Post Office. If the Imperial Government has power, will my learned friend point out to me any document or authority by which that power is reserved? I submit there is no such document in existence. Now, consideration of this point will show that that cannot be so. If the Imperial Government has retained the power to appoint Censors for correspondence in time of war it would also have reserved the power to censor telegrams. Telegrams are more important: *a fortiori* it would control the telegraphs; yet we find from section 2 of the Post and Telegraph Amendment Act, 1910, the power to appoint censors of telegrams is assumed by the New Zealand Parliament. Under that section the Governor in Council has power to make regulations imposing a censorship of telegrams; indeed, that power was exercised by the Governor in Council only the day before war was declared, and on the 3rd August, 1914, an Order in Council was passed empowering the Minister of Defence to appoint Censors of telegrams: *New Zealand Gazette*, 1914, Volume 2, page 3036. All appointments of Censors of telegrams are set out in the *Gazette* under those regulations. I submit it is only by a pure oversight on the part of the Government that no legal power has been given by Parliament to appoint Censors of letters in New Zealand. Constitutional Government still prevails in this country; the Post Office Act is still in force. The opening of letters in our Post Office in the course of post, in view of the express provisions of the Post and Telegraph Act, is an absolutely illegal act in view of the state of the law—contrary to the express provisions of the statute—that is, the Post Office Act, which is not modified in any way by any subsequent statute or war regulations. I am not going to quarrel with the Censor so long as he exercises his power for the good of the Empire, and not for the good of any section, or Church, or interest. In times of danger to the State the Government is entitled, and so long as he performs his duty in the interests of the State, then I am not disposed to say a word about it; but I submit that as a matter of strict law in New Zealand the Censor is at the present time acting absolutely illegally, and if one went to the Supreme Court the Supreme Court would be ready to issue an injunction, and would say to the Government, "If you want to censor letters, pass an Act." If any one went to the Supreme Court the Government would immediately pass a law which would have that effect. No one wants to do that; all we want is to make absolutely sure that the Military Censor acts in accordance with his duties and interferes in no way with the rights of the public, except in connection with the war; but the Military Censor, I submit, is irregularly appointed. But he is clearly under the control of the New Zealand Government, and, if it liked, that Government could dispense with his services to-morrow. He is obliged to carry out the instructions of the Government; if not, a most dangerous state of things exists—a dictator is put in our Post Office subject to no control whatever, and he can do what he likes, and he can say, "This is a matter of public interest, a State secret," and no one can touch him. He might, for instance, be a member of one political party and use his position to the detriment of the other. He might be a Catholic, and further the interests of his Church rather than those of the Empire. In a constitutional country it is ridiculous to suppose that one not elected by the people in any way should have the power, behind the backs of the people and against all written law, to say, "I can