

in the proceedings which took place in connection with his wild charges against the Post-office in July, 1917." Mr. Elliott, I submit, must stand now in the eyes of all unprejudiced persons—and I am sure even amongst his followers who, having heard the evidence here, must take a calm, dispassionate view of the matter—even amongst his followers Mr. Elliott must stand discredited and dishonoured. I use these words deliberately, and in saying them I have expressly said that that is the result which all reasonable people must arrive at. There are, as I have said before, a number of persons who do not want to be convinced against their will. To them the result of this Commission, whatever it may be, will not be satisfactory unless their idol, Mr. Elliott, is upheld and the Post-office and the authorities denounced; but I say again deliberately that, in my opinion, the evidence here has, and can have, but one result in the eyes of the public, or of that reasonable portion of the public to which I refer, and that is that Mr. Elliott's charges are baseless and should never have been made, and that all his future utterances will be discounted by the fact that he has indulged in reckless, wild, and intemperate language without any justification.

Mr. OSTLER's Closing Address.

*Mr. Ostler:* May it please your Worship, it has been said, I believe, by the great orator and statesman, Edmund Burke, that eternal vigilance is the price that must ever be paid for all liberty; and no truer words were ever said than those, especially in this time of government by Order in Council, when the laws are partly made without the concurrence of Parliament, when that great safeguard of British liberties, the jury system, is partly broken down, and when the powers of the police and officials have been sensibly increased; and I, for one, am glad that this inquiry has taken place, because I submit it has shown to the public that a most extraordinary state of affairs is in existence.

In the first place, and when the Commission first sat—and I would like, if I have any sympathizers in this Court—I would remind them it is a Court, and it is not the function of the public who listen to say anything about what I have to say—in the first place I wish to say this: that when the Commission first sat my friend Mr. Gray boldly stated that the Censor was a military officer under the control of the Imperial Government, and that he was not under the control of the Minister of Defence or the Government of New Zealand.

*Mr. Gray:* I had intended to make some allusion to that, with the view to making a slight correction. I was informed before I left Wellington that the gentleman who holds the office of Chief Military Censor acted in that capacity under the direct instructions of the War Office in London. He is, in fact, a member of the Imperial General Staff, and holds a position in the Imperial Army. He also holds a position in the New Zealand Army. I believe I was misinformed as to the nature of his appointment as Censor. It is, I believe, correct to say, as explained by the Solicitor-General, that he has been appointed by the Governor-General of New Zealand, and does not hold his office as Chief Military Censor expressly under Warrant from the Home authorities; but he is, if I may say so, still a connecting-link between the War Office and the New Zealand Government by reason of the fact that he is a member of the Imperial General Staff.

*Mr. Ostler:* The point that I wish to make, sir, is merely this: that Mr. Gray stated at the start that the Military Censor was not under the control of the New Zealand Government, and when the Solicitor-General came into the box he promptly jettisoned Mr. Gray, and he admitted frankly and freely that the Military Censor was under the control of the New Zealand Government, and that he purported to have been appointed in a constitutional way under section 27 of the Post and Telegraph Act. Now, if I were my friend I should want to know why I had been misinformed.

*Mr. Gray:* At the risk of being considered insistent upon this, I would like to say that I understand the Chief Military Censor in Wellington—although I admit I have no evidence of this—is in point of fact in communication with the Home authorities, and he acts under specific instructions as to censorship, the rules of which are contained in regulations issued by the War Office.

*Mr. Ostler:* I accept, of course, any explanation Mr. Gray makes. I know quite well that whatever Mr. Gray does in this or any other Court would be entirely in good faith; but at the same time a statement contrary to fact was put into his mouth, and if I were in his place I would make it a pretty serious question with the person who misinformed me. It must be remembered that when Mr. Gray made that statement we had been informed by the Government that although the Censor could tell us what he had done with these letters he could give no reasons. That was explicitly stated in a telegram from Mr. Massey, a copy of which has been put in. When the Commission came back after being altered at our request the Government had made a very curious reversal. They said that although the Censor could give reasons for the censorship of this correspondence he could not be asked what he had done with it—a complete reversal of the prior statement of Cabinet on the point; and I presume it must be in connection with that reversal that the information given to Mr. Gray was wrong information, which the Solicitor-General had to admit was wrong information. Now, while the Solicitor-General admitted that the Censor is under the control of our Government and that the Government acted in a constitutional way in appointing him, he goes on to say that, without instructions from the Government or any Minister elected by the people or responsible to the people, but on merely being asked by the Attorney-General to advise, he took it on himself to *direct* the Censor to censor literature and correspondence of this box.

*Mr. Gray:* It was referred to him. He was not asked to advise.

*Mr. Ostler:* What do you refer anything to the Solicitor-General for but to advise? He has no directing-power; he is not a Minister responsible to the people. His function is to advise