

The Solicitor-General admits that he was responsible for the drafting of all the War Regulations that have been promulgated—and there is a big book of them—and he himself in those regulations has defined the function of censorship broadly and succinctly, as he always manages to do, with his happy gift of using the right word. “Censorship,” he says in the War Regulations, “means the act, direction, or request of any officer or other person exercising or purporting to exercise, whether in New Zealand or elsewhere, control over the transmission or publication of matter relative to the present war.” That is the definition of “censorship” which appears in clause 12 of the War Regulations made on the 22nd February, 1916, and published in the *New Zealand Gazette* of the 23rd February, 1916. The Solicitor-General, therefore, being the draftsman of this definition, must be conclusively presumed to know what the true functions and limits of the censorship are. Now, he himself was not prepared to state boldly that this pamphlet had any relation to the war. He would not state it. What he said on that matter might be characterized as a somewhat naive statement, and it will not bear the light of fair criticism for a moment. He said—and, by the way, it was in answer to an obviously leading question of my friend Mr. Gray—it might tend to prejudice recruiting. That is his reason—that is what he said when he is asked if it had any relation to the war. Now, it is obvious that is an *ex post facto* reason—one of the class of reasons that can be elaborated afterwards when it is known that a public inquiry is going to be held. A moment’s reflection will show that is so, because when the Solicitor-General gave the direction to the Military Censor to censor that pamphlet on the 15th December, 1916, he knew, and none better, that voluntary recruiting as a means of keeping up our reinforcements had hopelessly broken down. He himself had drafted the Military Service Act, making all persons, whether Protestants or Catholics, liable to compulsory service, which had passed into law four and a half months before he gave that direction, so that he must have known this pamphlet could have no effect upon recruiting.

The Solicitor-General said that the circulation of this pamphlet was probably a breach of the War Regulations of the 4th December, 1916. Now, it is very curious indeed, if he really thought that, that he did not advise or direct a prosecution when it was sent to him by the Attorney-General. He is not the kind of man to stand by and see the law flouted. He is not the kind of man to sit down under a breach of his favourite War Regulations that he himself is responsible for. He has not hesitated whenever a strike has occurred in an important industry to bring out new regulations declaring that strike seditious and to prosecute if necessary. He has been determined in the enforcement of his own regulations. What is the reason of this curious lack of firmness on his part—his preference for what I call the secret and illegal method rather than the open and lawful method of prosecution? The reason, I submit, is so plain and obvious that he who runs may read. He must have known that he had no power; and no Government would have dared by a public prosecution to endeavour to stifle the right of free speech on a question of religious interest in this community—rather, not a religious question—I am wrong in saying that—but a political question; on a political question which, however, touches the deepest religious feelings of the people, and which has no connection whatever with the conduct of the war. I submit that he aggravates the offence he has committed in taking upon himself the power to direct a censorship illegally by coming here and saying publicly that he regrets that *he* did not take stronger measures still, assuming that in *him* lies the power—

Mr. Gray: I think he said “we.”

Mr. Ostler: He might have said “we,” but from his statement it would appear to any reasonable-minded man who heard him that he considered that in him lay the power of ordering or directing prosecutions, instead of, as is the real fact, the power lying in the hands of the Attorney-General, Mr. Herdman, the firm and moderate head of his Department. Now, the arbitrariness of his action will become more apparent when we recollect that when he was directing the censorship of the correspondence of this box the Attorney-General was assuring Mr. Elliott that he had a perfect right to publish that pamphlet and deliver public lectures, and that if in the course of those lectures he was disturbed by any unruly element of the community he would have adequate police protection. This fact shows that the Solicitor-General not only acted unlawfully in assuming the power which belonged to the head of his Department, but he assumed it in direct opposition to the views of that responsible head. The Solicitor-General lays stress on the fact that the member of Parliament who first complained is not a Roman Catholic. I am not sure he is not wrong in that. Whether that is so or not, sir, we all know—every one in this room knows—that there are many members who rely on the Roman Catholic vote; and there are many aspiring members not only in this city, but all over New Zealand, who are quite ready to play to catch it. It has been publicly stated in every newspaper in New Zealand quite recently that the vote of the Catholic party was out for sale to the highest bidder. It was stated by a high dignitary of that Church—somewhere amongst my papers I have the cablegram. We all know that many members are highest bidders, and are willing to go a good way in selling their conscience for votes. Therefore the fact, if it is a fact, that the member who first drew the attention of the Attorney-General is not a Roman Catholic is no proof whatever that the impetus did not come from the Roman Catholics. Well might it be said, like as was said by the *Daily Mail*, that the voice was the member’s but the hand was the hand of the Roman Catholic Federation.

Now, I deny the Solicitor-General’s assertion that the pamphlet is probably a breach of the War Regulations of the 4th December, 1916. Did your Worship notice how he said “probably”? He did not give that opinion with his usual assurance and confidence. I have not the regulations here, but I have looked at them very carefully since then, and I submit they go no further than the well-known words in the section of our Crimes Act which define sedition and so carefully and clearly safeguard the constitutional right of free speech. I meant to have brought the Crimes