

1917.
NEW ZEALAND.

AUCKLAND POST-OFFICE INQUIRY.

REPORT OF COMMISSIONER; TOGETHER WITH MINUTES OF EVIDENCE.

Presented to both Houses of the General Assembly by Command of His Excellency.

Christchurch, 7th September, 1917.

MAY IT PLEASE YOUR EXCELLENCY,—

In obedience to your Commission, issued under the Commissions of Inquiry Act, 1908, and dated the 25th day of July, 1917, directing me to inquire into charges publicly made by the Rev. Howard Elliott against the officers of the Post Office at Auckland, to the effect that certain circular notices posted at Auckland on or about the 6th day of July, 1917, relative to a meeting to be held at Auckland under the auspices of the Protestant Political Association, were corruptly or improperly suppressed or detained by those officers, I opened such inquiry at Auckland on Monday, the 13th day of August, 1917.

This Commission was extended on the 15th day of August, 1917, and set out that a further charge had been made by the said Rev. Howard Elliott to the effect that correspondence addressed to post-office box 912 at Auckland has at various times been corruptly or improperly suppressed or detained by the officers of the Post Office, and also that a further charge had been made by the said Rev. Howard Elliott to the effect that military censorship has improperly and in the interests of the Roman Catholic Church been established over the correspondence of the persons using the said post-office box No. 912 at Auckland; and I was thereby empowered to inquire—

- (a.) Whether correspondence addressed to post-office box No. 912 at Auckland has been corruptly or improperly suppressed or detained by the officers of the Post Office;
- (b.) On what grounds military censorship has been established over the correspondence of the persons using the said post-office box.

And by this authority it was directed and declared that nothing in the said Warrant of the 25th day of July, 1917, or in this later Warrant, should so operate or be so construed as to authorize any inquiry into the establishment, organization, authority, or practice of the system of military censorship existing in this Dominion during the present war, save so far as any such matters, being relevant to the inquiry authorized by the said Warrants, may be voluntarily and with due authority disclosed by officers of the said censorship in the course of that inquiry, and save also the inquiry hereinbefore expressly authorized as to the grounds on which such military censorship has been established over the correspondence of the persons using the post-office box aforesaid.

Throughout the inquiry Mr. Gray, K.C., appeared for the Post Office, and Mr. Ostler for the Rev. Mr. Elliott.

On Thursday, the 16th day of August, I again proceeded with the inquiry, and later a large number of witnesses on all the issues submitted to me were examined on oath.

During the course of the inquiry I sat on eight days and examined sixty-five witnesses.

It will be convenient for the purpose of my report to take the issues submitted to me in the order in which they are set out in the extended reference :—

(a.) *Whether correspondence addressed to post-office box No. 912 at Auckland has been corruptly or improperly suppressed or detained by the officers of the Post Office.*

This is an extension of the charge made by the Rev. Howard Elliott as set out in the original Commission—namely, that certain circular notices posted at Auckland on or about the 6th day of July, 1917, relative to a meeting to be held at Auckland by the Protestant Political Association, were corruptly or improperly suppressed or detained by the officers of the Post Office.

The evidence shows that about 2,500 envelopes had been posted containing circulars advising people to whom they were addressed of the fact that a public meeting would be held on a given date, and inviting the addressees to apply for tickets of admission. Of these 2,500 envelopes, nine of the persons to whom they were addressed received them empty, and two did not receive them at all.

If I were to take the evidence on these points as absolutely reliable and conclusive, I should still consider that the shortages were trifling out of so very many posted; and certainly there was in no degree satisfactory evidence of any impropriety or corruption on the part of the Auckland Postal officials, especially where there is an utter absence of motive except the very far-fetched one suggested by Mr. Elliott—namely, a desire to stifle his meeting. But I ask myself whether there is no margin for error or mistake in the preparation and posting of these circulars? There were several persons, male and female, concerned in the handling and despatch of these letters. Some were addressing envelopes, some were stamping, some were inserting the contents, and every one is assumed to have been perfect in attention to his or her particular part. It is only a small matter, certainly, but each person was supposed to turn in the flap of each envelope, and yet it has been conclusively proved beyond any reasonable shadow of doubt, through the stamping-machine, that many of the envelopes were posted with the flaps outside and open. Which is the most reasonable proposition—that nine envelopes out of 2,500 had been posted without contents, or that these nine envelopes had had their contents improperly or corruptly removed by Post Office officials without any apparent or sufficient motive?

And so with the two envelopes which are alleged not to have been delivered at all: I am very far from satisfied that these envelopes were ever posted. Again, there is too much margin for error amongst 2,500 letters handled by a number of different people.

It has been strongly urged that the sorters ought to have detected that certain of the envelopes were empty, and something ulterior is inferred from their failure to do so. I do not attach the slightest importance to this. I had ocular demonstration of the fact that the most expert sorters could very easily and frequently fail to detect the fact that certain envelopes were empty. It might easily happen, without casting any great reflection on the sorters, that where such a large number of envelopes, mostly of a kind and evidently containing circulars, had to be handled, the same nicety of handling would not be exercised.

A further statement is made that some forty notices were posted to ministers of various denominations with a view to having the fact that the meeting was to be held duly notified from the respective pulpits on the Sunday previous to the meeting, and that these notices did not reach the addressees until the Monday, and in some three cases until the Tuesday. However this may be, I am perfectly satisfied that the delay was in no way due to the Post Office officials, but, rightly or wrongly, was entirely due to the act of the Censor, who did not release the letters until too late for delivery on the Saturday. All these letters bore the superscription "If unclaimed within seven days please return to box 912, Auckland," and therefore would be censored in accordance with instructions, which I shall refer to later.

With regard to the missing letters and other incidental complaints, it is very greatly to be regretted that Mr. Elliott, when he made his complaint to the Chief Postmaster, did not then and there supply all available particulars of the addresses, &c., when requested to do so. He was asked to do so by the

Chief Postmaster, and promised to do so; but later, as he states, on legal advice refrained from doing so. The Chief Postmaster was therefore unable to make such inquiries as were right and proper to be made in the interests of his officers and in the interests of the public.

(b.) *On what grounds military censorship has been established over the correspondence of the persons using the said post-office box.*

I will here quote in full the evidence given by the Solicitor-General, Mr. J. W. Salmond, K.C. :—

I have been responsible for the drafting of war legislation since the war, and also the War Regulations. I have had under my guidance and care much of the proceedings that have been instituted in New Zealand under the War Regulations. I have been called upon to advise as to the censorship in New Zealand of correspondence and mail-matter; and I have constantly acted as the legal adviser to the censorship. I am familiar with the matters which led up to the censorship of matter from or to post-office box 912 at Auckland. At the end of 1916 and the beginning of 1917 the attention of the authorities was, upon more than one occasion, called to the activities of a body calling itself the Vigilance Committee, and also to the activities of the Rev. Howard Elliott, who was in some way connected with that body. The first occasion on which that matter came to my knowledge was at the beginning of December, 1916. A communication was received by the Hon. the Attorney-General—a private letter—enclosing a copy of a circular or pamphlet published by this committee and called “Rome’s Hideous Guilt in the European Carnage.” I do not propose to mention the name of the informant of the Attorney-General; but in view of the nature of the suggestions made in this case I desire to say that he was not a Roman Catholic and had no connection with the Roman Catholic Church. [He was a member of Parliament.] When the matter was referred to me by the Attorney-General I received no particular instructions, but it was referred to me for my consideration and action. I considered the matter, and I came to the conclusion that the pamphlet was a mischievous publication, and that the body responsible for it should not be allowed to have the use of a post-office box for the distribution of matter of that class. I accordingly, on the 13th December, 1916, sent a memorandum to the Chief of the General Staff, Colonel Gibbon, who has apparently the chief control of the censorship and with whom I always communicate in these matters. The communication which I sent to him was as follows :—

“Solicitor-General’s Office, Wellington, 13th December, 1916.

“THE CHIEF OF THE GENERAL STAFF,—

“I send you herewith a circular issued through the post by a body calling itself ‘The Committee of Vigilance,’ and having the use of a post-office box at Auckland. The circulation of literature of this kind at the present time is likely to be mischievous, and I do not think it should be allowed to be transmitted through the post. Perhaps steps could be taken by the Auckland censorship to see that all circulars issued by this committee are examined, and if necessary suppressed. They are identifiable by the request to return them, if unclaimed, to the post-office box.

“JOHN W. SALMOND, Solicitor-General.”

I know that in consequence of that memorandum censorship was directed by Colonel Gibbon. The suggestion of censorship originated with myself. I had no instruction by any Minister of the Crown or any one else to take this particular action, but I acted on my own discretion, and for the reasons mentioned in the memorandum to Colonel Gibbon. I desire to give an emphatic denial to the suggestion that the censorship was established in the interests of the Roman Catholic Church. There was no thought in my mind, and I am sure there was no thought in the mind of the Chief of the General Staff, as to taking sides in any way in any religious controversy. It was not in the interests of the Roman Catholic Church that action was taken—it was in the interests of the public; and exactly the same action, as far as I am concerned, would have been taken if the Committee of Vigilance had themselves, or had Roman Catholics, made a similar attack upon the Protestant religion. The reason why I recommended that action should be taken was that literature of that class seemed to be an attempt to stir up religious strife and bigotry in the time of a war. It could serve no useful purpose, and was bound, I thought, to excite public discord, and want of harmony, and religious antagonism at a time when harmony and efficiency were absolutely necessary to the conduct of this war. I came to the conclusion, rightly or wrongly, and I adhere to it, that the circulation of that sort of thing was a public mischief and a public evil, and that the Post Office should not be used as the instrumentality of it. I thought it would have a very appreciable effect upon the recruiting of Roman Catholics and in the want of hearty co-operation and assistance of the Roman Catholics in the conduct of the war. This pamphlet is not really an attack on the Roman Catholic religion, but is an attack upon the Roman Catholics in specific relation to the war. In my opinion it would interfere with the full assistance desired by the Government being obtained from the Roman Catholic community in connection with the war. I have seen no reason since last December to alter or modify my views. I am inclined to regret that I did not take stronger action at the time than merely impose censorship. I am not a Roman Catholic. It is I, and I alone, who am responsible for the advice that the correspondence from this body should be censored; and it was pursuant to my advice that the censorship was established.

Mr. Salmond states clearly and distinctly that the reason which actuated him in recommending that censorship should be established over box 912 was his belief that matter connected with this box was distinctly mischievous in

tendency and was likely to very seriously interfere with the proper conduct of the war, and that therefore the Post Office should not be allowed to be made the medium for its circulation to the public. It has been stated in evidence that twenty thousand copies of a pamphlet entitled "Rome's Hideous Guilt in the European Carnage" had been circulated, and this is one of the pamphlets considered mischievous by the Solicitor-General. It seems to me that this statement of the Solicitor-General, coming as it does from an authority of such high standing, sufficiently discloses the grounds upon which the censorship was established. I am not in any way called upon to express my opinion as to the sufficiency or otherwise of the reason. Suffice it to say that the Solicitor-General considered it wise in the interests of the country that the censorship should be established, and informed the Chief Military Censor accordingly, and that his advice was acted upon. The charge that the military censorship had been established in the interests of the Roman Catholic Church is thus absolutely disposed of and completely disproved. To emphasize this I need only quote Mr. Ostler's own words in his address at the close of the inquiry: "Now, the Solicitor-General has assured us that he did not act in the interests of the Roman Catholic Church; and I, for one, knowing him well, am quite glad to accept that, and to admit that in so acting he was not corruptly or even consciously influenced by any member of the Roman Catholic Church. I admit that he is not the kind of man that would consciously lend himself to any corrupt influence of that sort."

But, while thus acquitting the Solicitor-General of any conscious bias, Mr. Ostler goes on to modify his statement by asserting that the action of the Solicitor-General, being illegal in his opinion, has had the direct effect of operating in the interests of the Church of Rome. Mr. Ostler's remarks on the action of the Solicitor-General, and his assertion of its illegality, do not call for remark from me. Mr. Salmond will no doubt note the fact for his future guidance that Mr. Ostler considers his practice of the law is considerably weaker than his knowledge, and apparently chides him for attempting to act as a master or dictator instead of a public servant. I leave it at this.

I have already stated that it is perfectly clear that military censorship had not been established over box 912 in the interests of the Roman Catholic Church, and it is perhaps difficult to understand why Mr. Elliott and his friends should be so deeply convinced that such is the case. I think the explanation is this: both the Orange Lodge and the Protestant Political Association have on occasion used the same box. Some time ago a paper named *The Menace*, published in America, came under the ban of the Post Office under section 28 of the Post and Telegraph Act, 1908. This paper is most rabidly anti-Roman-Catholic, and makes most virulent attacks on that Church, especially with regard to its political activities. Some of its writings would very naturally give great offence to very many Roman Catholics. Some of these had apparently drawn the attention of the Postmaster-General to the fact that the paper contained objectionable advertisements of a nature to bring it under the prohibition set out in section 28 of the Post and Telegraph Act. Very strong protests were made by Mr. Seabrook and others against this ban, as they considered that the objectionable advertisements were only made an excuse for stopping the paper. Subsequently the ban was removed, and *The Menace* was allowed free circulation. The letter produced below, from the then Postmaster-General, the Hon. R. H. Rhodes, sets out the position:—

DEAR SIR,—

Postmaster-General's Office, Wellington, 30th July, 1914.

In reply to your letter of the 20th ultimo about the newspaper *The Menace*, it was brought under my notice that copies of the paper contained advertisements of an immoral nature relating to sexual treatment addressed to women. Section 28 of the Post and Telegraph Act provides, "If the Postmaster-General has at any time reasonable ground to suppose any person in New Zealand or elsewhere to be engaged . . . (d) in any fraudulent, obscene, immoral, or unlawful business or undertaking; or (e) in advertising in direct or indirect terms the treatment of diseases of the sexual organs; then the Postmaster-General may, by notice under his hand in the *Gazette*, order that no postal packet addressed to any such person (either by his own or any fictitious or assumed name), or to any address without a name, shall be either registered, forwarded, or delivered by the Post Office."

The Department took legal advice on the question whether the advertisements under notice brought the advertisers within this section, and was advised that the advertisers could be treated as persons engaged in an immoral and unlawful business, and that the newspaper could be destroyed under section 30 of the Post and Telegraph Act as being of an immoral nature and likely to have an indecent or immoral effect. On this advice I decided to detain copies of the newspaper noticed in the mails.

As stated in an interview reported in the *Evening Post*, Wellington, on the 25th May last, I knew nothing whatever of the religious views held by the paper, nor did I read any of the ordinary letterpress, as nothing in the body of the newspaper was marked for my perusal. Certain advertisements to women were marked, which I read, and my attention was called to section 28 of the Post and Telegraph Act.

A copy of a subsequent issue of *The Menace* has since been submitted, and I do not see in it any advertisements of the nature of those referred to. Copies of the paper will not be detained unless they contain matter of a libellous, blasphemous, indecent, or immoral nature, or likely to have an indecent or immoral effect. Moreover, if the proprietors of the publication undertake that no more advertisements of the kind in question will be inserted the embargo will at once be removed.

Yours faithfully,

H. H. Seabrook, Esq., Grafton Road, Auckland.

R. HEATON RHODES.

Some of the papers coming addressed to box 912 came to be regarded as likely to have a mischievous tendency, and the box 912 being now under military censorship, *The Menace* suffered accordingly. Hence the association of ideas on the part of many loyal citizens who objected to the political activities of the Roman Catholic Church. It has aroused a most bitter sectarian feeling, which certainly is in no way lessened by the style of oratory indulged in by Mr. Elliott. To my mind it is most deplorable that at this particular time, when our Empire is at deadly grips with an unscrupulous enemy and our soldiers are doing their noble part to uphold our interests irrespective of creed or country, that a crusade—for it is nothing else—should be entered upon to attack a Church the members of which must be deeply pained at, and who will certainly resent, the language that is being hurled at them by such men as Mr. Elliott, who claims to represent a very numerous organization.

No better illustration of what I mean—and this, I think, is a subject of fair criticism—could be cited than the contents of certain letters which Mr. Elliott wrote or dictated and addressed to box 912. They were intended as a trap for the Post Office, but failed of their purpose. Copies of these letters were produced to me, and after perusing them I refused to allow them to be read in public, as I considered that their contents would cause deep pain and give serious offence to a great number of people belonging to the Roman Catholic Church. Mr. Elliott admitted that these letters were fabricated by himself, and that the names and addresses were bogus, but they were addressed to the Committee of Vigilance at box 912. I am fain to believe that there are few ministers of religion who would have thought of concocting such abominable and disgusting accusations against members of a Christian Church as are contained in three of the letters, unless he was so saturated with sectarian bitterness that he lost all sense of propriety. Mr. Elliott states that he is a Baptist minister of twenty years' standing. Where is his charity? In his cross-examination by Mr. Gray he seemed utterly unable to appreciate the invidious position in which he had placed himself in working, as he said, under the name of religion. To use his own words, "He did not feel called upon to consider the feelings of Roman Catholics." I attach herewith to this report the copies of the letters that I refer to, so that it may be judged as to whether my comments are not justified. They also throw a flood of light on to the foundation of the allegations made with respect to the influence of the Roman Catholic Church as regulating and influencing even the Military Censor. People who would believe such stuff as is contained in at least three of these letters would believe anything.

It was arranged between myself and Mr. Morris and Mr. Ostler, the counsel for Mr. Elliott, that any Postal officials that Mr. Ostler desired as witnesses for his side should be placed freely at his disposal if he would name at any stage those he required; and an assurance was given that no Postal officer would be penalized for any evidence he might give. This was a totally unnecessary assurance to ask for, but still it was freely given. However, as it turned out, Mr. Ostler did not avail himself of the offer, and contented him-

self with cross-examining those officials who were called by Mr. Gray. A great number of these were called and gave evidence on oath, ranging from the Chief Postmaster, Mr. Williamson, down to the letter-carriers who were alleged to be connected with the missing letters and the empty envelopes. All the Post Office officials who gave evidence appeared to me to be the witnesses of truth, and they left a very favourable impression upon my mind. They were very straightforward, and seemed as if there was nothing to conceal. I have no hesitation in stating that I am convinced that no Postal official was responsible for any improper or corrupt dealing with any of the letters. The public may rest assured that the very high reputation that the Postal Department has always enjoyed in this Dominion as one of the most important Departments of State has not in any way been lessened by the result of this inquiry.

I have the honour to submit herewith to Your Excellency the notes of evidence taken at the inquiry, and to remain Your Excellency's most humble servant.

Given under my hand and seal, this 7th day of September, 1917.

H. W. BISHOP,
Stipendiary Magistrate and Commissioner.

APPENDIX.

THE LETTERS HEREINBEFORE REFERRED TO.

Vauxhall Road, Devonport, 11th August, 1917.

The Committee of Vigilance, P.O. Box 912, Auckland.

GENTLEMEN,—

Can you inform me if it is true that a Father O'Doherty was dismissed from the Military Camp at Trentham for being drunk in the camp and for having a woman in a state of intoxication in his tent, and whether it is true that the said Chaplain was arrested and placed in custody prior to his dismissal from the Forces? Was this gentleman the Father O'Doherty who made some trouble over being refused a passport whilst he was at Cambridge?

Thanking you in anticipation,

Yours sincerely,

HARRY TRAVIS.

Rugby Road, Birkenhead, 10th August, 1917.

To the Protestant Political Association, Box 912, Auckland.

DEAR SIR,—

I would like to know, if you have any information on the matter, whether it is true that at an Auckland convent there is a lime-pit into which bodies could be placed and disposed of without fear of detection?

If this is true it is a terrible thing in our young country, but it is almost impossible for a private person to find out these things.

I am, sirs,

Yours truly,

ELIZABETH BLACKLOCK.

Tonar's Road, Northcote, 9th August.

The Committee of the Protestant Political Association.

DEAR SIR,—

Can you say if there is any truth in the rumour that recently a human foetus was found outside the gate of a convent in or near the city, and that a nun was taken to the Mater Misericordiae Hospital, where, owing to a report, an investigation was made as to the nun's condition by a detective? Is there any way of finding out what that report stated?

Thanking you,

Yours truly,

J. SODEN.

Vincent Road, Remuera, 10th August, 1917.

The Protestant Political Association.

SIRS,—

Is it true that Roman Catholic priests and Marist Brothers have been allowed to leave New Zealand without a deposit, whilst no Protestant minister is allowed to leave without depositing at least £100? If so, does not this reflect gravely on the administration of the Department concerned?

I am,

Yours faithfully,

GEO. HOBY.

MINUTES OF EVIDENCE.

AUCKLAND, MONDAY, 13TH AUGUST, 1917.

Mr. H. H. Ostler appeared for the Rev. H. Elliott and the Protestant Political Association.

Mr. A. Gray, K.C., appeared for the Department.

The Commissioner read the Commission, dated the 25th July, 1917.

Mr. Ostler: The position is, if your Worship pleases, that as soon as we obtained a copy of the Commission we observed that it was not wide enough to cover the charges made, and I was instructed to immediately communicate with the Right Hon. the Prime Minister asking that the scope of the Commission be enlarged.

His Worship: Are your charges in writing? Have you got them at all? I have never seen them.

Mr. Ostler: I understand your Worship has seen the letter to the Right Hon. the Prime Minister in which the charges are set out.

His Worship: I have seen a copy of it—I did not read it.

Mr. Ostler: At any rate, the charges are in that letter. Late on Saturday night I received a wire from the Right Hon. the Prime Minister saying that Cabinet had received my letter, and that they were quite willing to enlarge the scope of the Commission to include the three charges, subject to certain conditions restrictive to one of the charges. In those circumstances I understand your Worship has had instructions.

His Worship: I have received nothing. I saw a copy of a telegram Mr. Gray showed me from the Hon. Mr. Herdman, inspired, I suppose, as the result of a Cabinet meeting, but nothing further than that.

Mr. Ostler: I presume that would satisfy your Worship?

His Worship: No, it will not, indeed.

Mr. Ostler: You have not listened to what I have to say. I was going to say that if it satisfies your Worship, Government is prepared to enlarge the scope to embrace the three charges. That being so, pending the issue of a new Commission I suggest these charges be heard as if the three charges were in it.

His Worship: I cannot consent to do that, for a reason that must appeal to you: there might be questions asked or evidence tendered that might be influenced by the new extent of the Commission. I should be placed in a very false position.

Mr. Ostler: I quite agree that would be so.

His Worship read the following:—

COPY OF TELEGRAM from the Hon. A. L. HERDMAN, Attorney-General, Wellington,
to ALEX. GRAY, Esq., K.C., Auckland, 11th August, 1917.

The following telegram has been forwarded by the Prime Minister to Mr. Ostler, counsel for Rev. Mr. Elliott:—

“*Re* Rev. Howard Elliott’s charges: Your letter has been considered by Cabinet, and it has arrived at the following decisions:—

“First, That Mr. Bishop must proceed with the inquiry, Cabinet being of opinion that a gentleman of his tried ability and long experience as a Magistrate and as a public officer will conduct his investigations with thoroughness and impartiality, and in a manner calculated to inspire public confidence in his findings.

“Second, Cabinet is advised that charges numbered 1 and 2 can be investigated under the present order of reference, but if there is any doubt about the Commissioner’s powers authority will be given him to investigate both charges.

“Third, As to charge numbered 3, this in part relates to the improper detention and to the non-delivery of letters addressed to box 912, and in part it relates to the actions of the Censor. Cabinet has no objection to the Commissioner investigating any charges relating to the improper retention and to the non-delivery of letters to box 912, and relating to the suggestion that a system of censorship had been established over the correspondence addressed to box 912 in the interests of the Roman Catholic Church; but inasmuch as the existence of a state of war has made the establishment of censorship necessary, and as matters connected with and arising out of censorship are, for reasons of State, obviously secret, Cabinet cannot agree to allow the Commissioner to call upon any Censor officer under the control of the Chief Military Censor to do anything more than explain what was done by him with any letters and documents referred to in your charge which may have come into his hands. The Censor officer can give no information and no reasons for censoring any documents or correspondence within New Zealand, or as to the scope and extent of the censorship established in New Zealand upon the outbreak of the war.

“Fourth, The public and the Press will, unless the Commissioner sees any objection, be admitted to the inquiry, which will, I understand, be held in a Courtroom in Auckland.

“W. F. MASSEY.”

You have a copy of Mr. Ostler’s letter.

A. L. HERDMAN.

His Worship: Mr. Ostler, we will have to be very clear, if the Commission is to be altered at your instance—we will have to be very clear as to the extent to which it is to go with regard to the first two charges. Are you satisfied? “If there is any doubt about the Commissioner’s powers authority will be given him to investigate both charges.”

Mr. Ostler: If your Worship will listen to the charges as I read them and say that under that Commission your Worship has power to investigate those two charges, I will be quite satisfied. The position is that charges were made by our client at the public meeting held in Auckland on the 11th July. [First two charges read.] If your Worship says that under that Commission you have power to investigate those two charges, I do not wish the Commission altered in that respect.

His Worship: I can only say that I am empowered to inquire into “charges publicly made by the Rev. Howard Elliott against the officers of the Post Office to the effect that certain circular notices posted at Auckland on or about the 6th day of July, 1917, relative to a meeting to be held at Auckland by the Protestant Political Association were corruptly or improperly suppressed or detained by those officers.” I think it would meet the difficulty, Mr. Ostler, if you, in conference with Mr. Gray, should agree that we should inquire into those two charges in the terms in which I have been addressed.

Mr. Gray: I am quite agreeable. I may say that so far as the Post Office is concerned it is anxious that all charges, so far as they concern the suppression of letters, shall be fully inquired into. I think the terms of the Commission are sufficiently wide to cover them. They are so inter-related that evidence, even if confined to the circulars mentioned in the Commission, would necessitate evidence being adduced in relation to others. I am satisfied that your Worship should take the evidence relating to these two charges.

His Worship: “As to charge No. 3”—is there any objection to putting the telegram in? [Charge read.] “As to charge No. 3, this in part relates to the improper detention and to the non-delivery of letters addressed to box 912, and in part it relates to the actions of the Censor. . . . Fourth, the public and the Press will, unless the Commissioner sees any objection, be admitted to the inquiry, which will, I understand, be held in a Courtroom in Auckland.” That goes without saying. I would not hold an inquiry that was not public. This opens a very wide field, Mr. Gray, and may lead to considerable complications. I understand that the Chief Military Censor—I do not know him at all—is an Imperial officer, and the most vital interests of the Empire may be in his hands. I expect he will plead privilege or absolutely refuse to answer any question put to him.

Mr. Ostler: We have the assurance of the Right Hon. the Prime Minister that he will explain what he has done with these letters.

His Worship: But he has no control over the Censor.

Mr. Ostler: As a matter of fact, that is not so. The Military Censor in New Zealand is under the control of the Minister of Defence, and is a New Zealand officer.

His Worship: We could clear up that point, of course.

Mr. Ostler: As far as that is concerned we have the assurance of the Prime Minister that he will allow the Censor to explain what he has done with these letters; and as far as we can get at the truth we want it.

His Worship: We all want the truth. Nevertheless I foresee very great difficulty in connection with this, and it makes it most necessary that I should have clearly defined, in the most clear-cut way—that I should know what I am authorized to inquire into. You will agree, of course. When I interrupted I assumed you wanted me to act upon this. It was my mistake—I am a bit hasty. I am going to throw the onus on the Government. They will have absolutely to define in the most clear way what I am empowered to inquire into, especially when it is a question affecting the censorship, which I understand was set up by the Imperial authorities—you say the Defence: that is news to me—I assume it is entirely an Imperial matter. It is quite possible there may be fresh light thrown upon that—I do not know. I quite recognize it will be properly within your sphere to ascertain where the authority of the Censor comes from. I am going to throw the onus on the Government. If I were a Minister of the Crown I should be very careful what I set out in that Commission. It will certainly place the head Censor or the local Censor in a very peculiar position. Of course, that will be very carefully considered by Cabinet. It is no part of my business at this stage. Of course, I do not dictate to the Government how they shall deal with this matter. They will have to be very, very careful, I think, or there may be conflict of the Imperial interests with the local.

Mr. Gray: I am instructed that the Censor is an officer appointed by the War Office. There are Deputy Censors at various places in New Zealand who act under his control—they act under the instructions of the Chief Military Censor. As far as the Post Office is concerned, the Post Office is willing to give every facility to inquire into every allegation of delay or detention under charge No. 3.

His Worship: Has any of this difficulty arisen from the Post Office Censor?

Mr. Gray: The Post Office Censor is directly answerable to the Chief Military Censor.

His Worship: Who appoints him?

Mr. Gray: I do not know; but he answers to the Military Censor.

Mr. Ostler: I understand the Auckland Censor is a Postal officer.

Mr. Gray: As a matter of fact, I understand, the Censors were officers of the Post Office who had postal experience. The local Censor has an office in the post-office as a matter of convenience, but he acts under the instructions of the Military Censor, from whom he has instructions. The Post Office itself is bound to obey the Military Censor.

His Worship: But the most vital interests—Imperial interests—may be at stake.

Mr. Gray: I am authorized to say a very great deal of valuable information has been obtained in New Zealand through the censorship established at the outbreak of war. This particular

party complaining now has not been treated specially by any means. A very great number of persons have their letters censored under the instructions of the Military Censor—not the Defence Department, not the Post Office, but the Military Censor, to whom the Post Office is bound to submit.

Mr. Ostler: Who instructs him?

Mr. Gray: Nobody instructs him: the War Office—

His Worship: They delegate their power, I assume, to the Chief Military Censor, and he moves these local Censors.

Mr. Gray: He acts on his own judgment.

His Worship: The question arises in my mind whether the local Censor acts on his own motion or has anybody behind him.

Mr. Ostler: I think I can produce a letter in which the Minister of Defence says the Censor is under his control.

His Worship: You will recognize we cannot go too far with this. I must be clothed with sufficient powers. I do not want to be placed in a false position. I think, Mr. Gray, you will no doubt communicate with the Government in this matter; that you will impress that they must be specially particular with the wording of this reference so that I may not have occasion to raise any question with regard to my power to insist upon the production of things which might be of a secret nature. Otherwise there may be difficulty—I may be misjudged by the public for not allowing things to be introduced. It may be difficult indeed in an inquiry of this sort to decide where the local power commences and where it ends, and who clothes them with those powers, and how those powers are regulated. I want to be very clear, so as not to trench on Imperial matters which may or may not be of very great importance to the Empire. I would rather not take the Commission than interfere with what might be an Imperial matter, owing to the urgency of Empire matters at this stage and the very great seriousness of everything connected with it.

Mr. Gray: So far as the charges relate to the Post Office, there can be no difficulty. As far as the question of censorship is concerned, I am not prepared to go into that. I have no authority beyond this: that we can show immediately that the censoring done at Auckland is done not at the direction of any Post Office official but on the instructions of the Chief Military Censor.

His Worship: Evidently Mr. Ostler does not agree with that. I can see from what I have heard this morning that it is impossible to commence the inquiry relating to the Post Office without trenching on this question of censorship. Therefore I think it better for me to have the Commission in full to know exactly where we are. You are not keen on going on to-day?

Mr. Ostler: Mr. Gray kindly rang me up yesterday and informed me of what would probably be your attitude.

His Worship: Yes, I took exception at once.

Mr. Ostler: Realizing that would be so, I telegraphed to the Prime Minister this morning saying I understood that would be your attitude, and requesting that a new Commission would be issued.

His Worship: No reasonable man but would agree that the attitude is a reasonable one.

Mr. Gray: I will undertake to communicate with the Government.

His Worship: How long is it likely to take? Where is the Governor-General?

Mr. Gray: I think, in Wellington.

His Worship: Well, then, Cabinet can meet and get a new Commission. Then when the Commission is forwarded Mr. Ostler can take exception or not, as he thinks proper, if the Commission does not go to the length he thinks proper.

Mr. Ostler: Would your Worship be prepared to act on direct telegraph instructions from Cabinet?

His Worship: No; unless I have the Commission under the hand of His Excellency the Governor I am not prepared to go any way. In the ordinary way I would have no jurisdiction.

Mr. Gray: I see no objection to proceeding with charges 1 and 2.

His Worship: No, except that it is almost bound to lead to the censoring.

Mr. Gray: It would appear, no doubt, that certain matter has been delivered to the Censor. The fact of delivering to the Censor is not disputed for a moment. That is in pursuance of instructions from the Chief Censor.

His Worship: But certainly the authority for delivery to the Censor will be disputed.

Mr. Gray: I do not know.

His Worship: And the question will come in, was the Post Office authorized to deliver these things to the Censor?—Yes. Well, who authorized it?—So-and-so, the Censor. Well, who appointed the Censor—what authority has he?

Mr. Gray: I do not know whether your Worship is going to inquire into that.

His Worship: Well, there you are at once.

Mr. Gray: I do not know whether my friend intends to dispute the authority of the Chief Military Censor in New Zealand.

Mr. Ostler: All I want to know is to find out by what power letters addressed to loyal Protestants are kept back in the post-office.

Mr. Gray: By what power—or for what reason?

Mr. Ostler: For what reason?

His Worship: That is what I say.

Mr. Gray: That I cannot say. That is a matter which must rest with the Chief Military Censor.

His Worship: Or can you say if the Government will in the Commission empower me to inquire into that, as it is quite possible they will do?

Mr. Gray: I do not think for a moment there can be any inquiry into the reasons which moved the Censor.

His Worship: Well, let them say. Nobody could expect me to act upon a telegram, somewhat vague—I will not say contradictory—in its terms. Let them issue a Commission. When that Commission comes I will know where I am.

Mr. Gray: I will communicate your views to the Government.

His Worship: It is not my views; it is what I am empowered to inquire into. The question is, how long is this business likely to take?

Mr. Ostler: I can do this to help your Worship: on the second charge, about the forty-odd letters posted to clergymen and delayed, we cannot prove that without calling forty witnesses. The facts they speak to are exceedingly brief: we got our letters on such-and-such a date.

His Worship: What about the other thing? I do not think we will get to that, but I may be wrong. Judging by the public interest taken I am afraid it will be long.

Mr. Ostler: I am afraid I cannot indicate. I am going to ask, when the inquiry commences, will your Worship be prepared to subpoena such officers of the Post Office as we name and want information from?

His Worship: Certainly, so long as——

Mr. Gray: No subpoenas will be necessary. Mr. Morris, the Secretary of the Department, is here, and is prepared to instruct the officers to appear.

His Worship: Mr. Ostler will submit to me a list of the persons he wants, and I will give that to you, and you to Mr. Morris.

Mr. Ostler: May I make one further request? Can these officers be assured of a guarantee they will have no ill consequences of their telling the truth?

Mr. Gray: I am authorized by Mr. Morris to say, Yes, absolutely. There is nothing to conceal—nothing to hide.

His Worship: I am glad to hear that. We will see whether that is so, as the inquiry goes on. Of course, no officer can be penalized. He has the right of appeal to the Public Service Board of Appeal, so that he need not be alarmed. If there was any attempt to penalize him he could call me as a witness. I am afraid we cannot go any further to-day. I am sorry to disappoint the public. They are evidently interested.

Mr. Gray: If the Government issues a new Commission to you, no doubt that will be done without any delay.

His Worship: Inquiry adjourned *sine die*. Notice will be given through the columns of the newspapers.

AUCKLAND, THURSDAY, 16TH AUGUST, 1917.

The Commissioner read the Warrant, dated the 15th August, 1917, extending the Commission.

His Worship: Mr. Ostler, do you wish to make any opening remarks?

Mr. Ostler: Mr. Gray kindly saw me yesterday and showed me a telegram from the Solicitor-General, who was coming up this morning, and I see has arrived, in which he asked him to endeavour to get the opening of this Commission postponed until Friday. I fell in very readily with that request because, as a matter of fact, I had not had much breathing-space, and I wished time to prepare my witnesses. I understand from my friend that he is now ready to go on; but I do ask that I be given until to-morrow morning. I know the Solicitor-General is a busy man, but no doubt arrangements can be made for him to stay on.

Mr. Gray: What my friend Mr. Salmond asked for was to arrange for continuation of the inquiry on Friday. I thought perhaps that meant the resumption on Friday, but what he meant was "not later than Friday." What I thought we had arranged was that my friend Mr. Ostler should go on with his opening and call some of the witnesses, then we could interpolate Mr. Salmond, and I thought it was quite possible that we should have to make application to go on to-morrow.

Mr. Ostler: My friend evidently thought what the Solicitor-General asked was that we should not go on until Friday. I was under that impression.

His Worship: I was under that impression. Mr. Gray asked whether it would be convenient. I said it was very inconvenient, but I was entirely in the hands of Mr. Gray and Mr. Ostler. I wish to meet their convenience in every way, subject to agreement between them; but if the Solicitor-General wished to get away I would facilitate it in every way. What I thought was we were only going to have a sort of preliminary canter this morning, and Mr. Gray should then arrange, subject to your consent, to take the Solicitor-General's evidence and let him get back to Wellington.

Mr. Gray: Could you not make your opening, Mr. Ostler?

Mr. Ostler: The trouble was I rather relied on that. The man I relied on, my organizer, is away. I rather banked on the fact that you asked for an adjournment. After seeing you I saw my clients——

His Worship: Will adjourning it until to-morrow interfere with the Solicitor-General's evidence?

Mr. Salmond: I should very much like to get away to-morrow; but I want to hear Mr. Ostler's evidence.

Mr. Ostler: I should not be so long—

His Worship: Would you be satisfied, Mr. Salmond, with Mr. Ostler's opening merely, before calling the evidence—because if you are going to wait until Mr. Ostler has given his opening address and called fifty witnesses you will not get away to-morrow?

Mr. Gray: What we arranged was that the Solicitor-General might be interpolated—

His Worship: I did not give any definite opinion on that until we had seen you, Mr. Ostler. Again I say, I am in the hands—

Mr. Salmond: I would like to suggest that Mr. Ostler make his opening now, and the evidence be adjourned until to-morrow. It would enable me to give evidence to-morrow.

Mr. Ostler: To tell the truth, I was under the impression that the other side wanted the time, and therefore I am not ready.

Mr. Gray: I must say this: I left Mr. Ostler under the impression he was going on to-day—going on with his opening and calling some of his evidence, because I did not know then how long Mr. Salmond could remain in Auckland, and, as I supposed, the arrangement was that the thing should go on and Mr. Salmond should be interpolated when convenient for him to be taken.

His Worship: I took exception at first in my own mind to any further adjournment, but if the Solicitor-General wants to leave on Friday night—is there a train on Saturday?

Mr. Ostler: No; there is a train on Sunday.

Mr. Salmond: If Mr. Ostler will open to-morrow morning and finish in time for me to give my evidence, that will suit me.

His Worship: If we could get a pledge from Mr. Ostler that he will not take more than so-many minutes.

Mr. Gray: Could you be ready at 2 o'clock?

Mr. Ostler: No.

His Worship: With great unwillingness and considerable reserves of feeling I have to adjourn until to-morrow morning at 10 o'clock.

Mr. Ostler: Before adjourning I want to refer to two matters. (1.) The scope of this inquiry was promised to be widened by the Prime Minister, speaking on behalf of Cabinet, in that telegram of which copies were before you. It was adjourned to be widened in conformity with that promise. It has been widened in a way different from the promise. I am not at the present time complaining of that, but all I want to say is this: I am not responsible for the wording of the Commission; I was not consulted in any way. All I desire to say is that I stand by the three charges which I made on behalf of my clients in my letter to the Prime Minister, and that is what I am here to prove. (2.) The other point is that your Worship has promised that this is to be a public inquiry. If a room more suitable than this library cannot be obtained, then the inquiry, though public in form, will be more like a semi-private one in fact; and in face of the importance of the inquiry Government should be asked to find a room more suitable.

Mr. Gray: I do not desire to say anything about the second question: that is a matter entirely for your Worship. As to the scope of the inquiry, all I can say is that the new Commission does accord with the undertaking of the Right Hon. the Prime Minister, and in any case the inquiry was not adjourned in order to enable a Commission to be obtained in accordance with the promise. That is not a matter over which your Worship has any control.

Mr. Ostler: I say it is not in accordance with the promise.

His Worship: In adjourning the inquiry I shall be governed by the powers given me by this Commission. Any matter connected with the way in which these references have been drawn does not concern me at all. With regard to the building, Mr. Gray knows perfectly well the opinion I have about this room. I made arrangements before I left Wellington, through the Under-Secretary for Justice, that a Court would be placed at my disposal. I find I cannot get the Court. Then it was suggested to me I should sit in the municipal building, but that did not seem very suitable.

[Decided that the next sitting would be in the Chamber of Commerce, Swanson Street.]

AUCKLAND, FRIDAY, 17TH AUGUST, 1917.

MR. OSTLER'S Opening Address.

Mr. Ostler: May it please your Worship, it is hardly necessary for me to point out to your Worship the gravity of these charges. The Post Office is the most democratic and the most widely used Department of the Public Service. It is used equally by the rich and the poor, and the humblest in the land has the right to use it on equal terms with the most powerful, and has the right to get, and as a rule does get, equal treatment. The Post Office is surrounded by every precaution that can be devised by law to ensure that as the main channel of communication between the citizens of the State it shall be not only rapid and efficient, but secret and inviolate. Every Post officer before assuming his duties must subscribe to a solemn declaration of the most searching nature to maintain its secrecy. The length to which the law goes to maintain its inviolability is well illustrated in section 30 of the Post and Telegraph Act, 1908. Section 30 of the Post and Telegraph Act, 1908, gives power to the Postmaster-General or any Postmaster to destroy under certain conditions libellous, blasphemous, indecent, or immoral matter sent through the post. But from that section sealed letters and letter-cards are expressly excepted; and even where the Postmaster-General or a Postmaster knows—is reasonably certain—that a letter contains such matter—indecent or immoral matter—he not only has no power by law to destroy it, but if he so much as opens it or detains it he has committed an indictable offence, and is liable to two years' imprisonment. The Postmaster-General is not exempt from that

penalty. Again, by section 31, even if a letter contains a defaced stamp which has been used fraudulently, there is no power to open that letter, but it must be handed to the addressee to open, and the only power the Post Office has is to hold it until the addressee ascertains the name of the sender and hands over the envelope. Now, where a postal packet is opened—and, as I said, not any Postmaster or even the Postmaster-General has any power to open a letter—it must be done by two officers specially nominated, or by one in the presence of another Post officer, under certain conditions to ensure that the policy of secrecy under which every officer is shall not be broken. Section 91 provides that two years' imprisonment is the penalty for wilfully opening or detaining any postal packet; and the Postmaster who is merely negligent in delivering or retards the delivery is liable to a fine of £100. Now, these examples are sufficient to show the vital importance which is attached by law to the secrecy of the Post Office and the quick despatch of mails. And so important is the secrecy and despatch of the Post Office to the community that the Department in this should be like Cæsar's wife—above any suspicion whatever; and I am bound to say that in the past this great service has been such as to win the confidence of the whole community, as is shown by its universal use by the community. Consequently a charge like this must be of great public interest, and it is imperative in that interest that all the light possible should be let in to see whether there is any ground for the charges made. For this reason I am particularly pleased to see my friend Mr. Gray representing the Department, he being known not only to myself but far and wide as a fair-minded and just man, and just as anxious as your Worship and myself to let in the light into the charges. Now, in reference to these charges it will be my duty to mention the Roman Catholic Church. I want to make it quite clear at the start that neither I nor the party I have the honour to represent desire to attack either the dogma or the religious observances of Catholics. After bitter struggles and the shedding of much blood, which is a matter of history now, we have long since reached this position—that every one in this country is entitled to liberty of conscience as well as liberty of action, and all think as we like and do as we like, subject to this restriction only: that neither in speech nor in deed shall we overstep the rights of others. Now, the limits of our rights are well established by law; and there exists complete machinery in our law-courts—not, indeed, perfect, for no human institution is perfect, but commanding the confidence of the community—for the protection and vindication of those rights; and I, for one, will resent any dictation as to the religious beliefs of others, and will say not one word in this inquiry against the religion of Catholics. What I may say I wish to be made perfectly clear is not dictated in any way by religious prejudice. It is not in any way the Catholic religion of which I desire to speak. It is not, indeed, so I am instructed, that which has been the cause of the formation of the association which I represent: what they claim is that it is the pernicious political influence of the organization controlled by the Roman Catholic Church they are fighting. The issue, they say, is purely political and not religious in any sense, and I do hope anything I say here may be taken to be a political matter, not a religious matter. Now I want to deal with three charges in my letter to the Premier—first, that is to say, with charge numbered 3 on the second page of the letter: “That the Loyal Orange Lodge and the Protestant Political Association had for some time past been renting a private letter-box (912) from the Post Office, and that a military censorship had been established over correspondence addressed to this box in the interests of the Roman Catholic Church. Almost all letters received by the lodge and the association addressed to this box have borne the superscription ‘Passed by Military Censor,’ and many letters addressed to the association containing the address of this box have been improperly retained and not delivered at all, although these letters had no connection with military matters or the war and dealt exclusively with the subject of Roman Catholicism.” I want to deal with that charge first for these reasons: (1) It is the most important; (2) it is the first in order of date—chronologically it comes first; (3) it throws the strongest light on the other two charges. I want to say just a few words very briefly on the history of this charge. First of all I will remind your Worship of this fact—a fact, I submit, nobody in this room is disposed to dispute and all Catholics are proud of—that is to say, the Church of Rome is one Church and one organization throughout the world. It is probably the biggest vested interest in the world and the best organized. Its aims in one Protestant country are similar to its aims in another Protestant country, because it acts with the same objects and from the same impulses. No one in this room, I think, could dispute that proposition. Therefore its activities in one Protestant country will be similar to its activities in another. Now I want, first, for a moment to touch on recent history in America, just to show that exactly the same thing has happened there as we say has happened here; and, indeed, this trouble in New Zealand first started through an attempt—a wholly illegal and improper attempt—in our Post Office this year to prevent newspapers dealing with the subject in America being circulated in New Zealand. In America statistics show—Whitaker's Almanac, for instance—that there are sixteen million Catholics, and it has been officially stated by the heads of the Church in America that it was the aim of the Church to make America Catholic.

His Worship: You are mixing up the terms “Catholic” and “Roman Catholic.” I take exception to the exclusive right of the Roman Catholic Church to be called “Catholic.”

Mr. Ostler: Very well, sir; I will stick to the term “Roman Catholic.” I quote one example of the sayings of the leading Church dignitaries in America as to their aim. Archbishop Ireland said only two years ago, “Our work is to make America Catholic. As a religious system Protestantism is in hopeless dissolution in the United States—utterly valueless as a doctrinal and moral power, and no longer to be considered a foe with which we must count.” And the Rev. Father Stafford said, “Energetic work will place this country under Roman Catholic control inside fifty years.” And right through the sayings of the leaders of the Church the means by which this is to be done is discussed openly, and therefore any one who reads current literature will see. I do not want to take up the time of the Commission by referring to those means beyond

saying that the chief means is to obtain control of the education of the young. Now, in that attitude leading Protestants in America have seen a danger—not on the ground of any religious prejudice at all, but the danger may be best expressed probably in the words of one of the Church dignitaries in America. I refer to a public utterance by Bishop Gilmour: “Nationalities must be subordinate to religion, and we must learn that ‘We are Catholics first and citizens next.’” That is to say that the danger seen by Protestants in America from the Catholic religion is that the sovereignty of the State is made only secondary to the sovereignty of the head of their Church. That statement has not only been made in America, it has been made quite recently by a leader of the Church in Australia, and I can refer your Worship, if necessary, to exactly the same statement made in similar terms by the *Tablet*, the official organ of the Catholics in New Zealand, and I could refer also to many statements made by leaders of the Church in the same interest in America. For instance, Father Phelan said, “Tell us, in the conflict between the Church and the Civil Government, we take the side of the Church. Of course, we do. Why, if the Government of the United States were at war with the Church, we would say to-morrow, ‘To hell with the Government of the United States’; and if the Church and all the Governments of the world were at war, we would say, ‘To hell with all the Governments of the world.’” And so on. That illustrates, any way, the danger which the Protestants in America, and also the association which I represent, have feared. Now, to meet that danger a number of Protestant defence papers have, comparatively recently, been established in America, and among those a weekly paper founded in 1911 called *The Menace*. That paper, although founded by private persons, is now controlled by a powerful organization called the Free Press Defence League of America. And the platform of that league is exactly the platform of the Protestant Political Association here—nothing very terrible—the defence of those liberties we all thought we had won two hundred years ago, and we see a danger of being whittled away by the political activities of the Catholic Church. The platform is—Freedom of conscience; freedom of speech; freedom of the Press; the right of assembly; and separation of Church and State. That is all they stand for. Now, *The Menace* was managed and edited with such energy and skill that it soon became a powerful force, and it became a thorn in the side of the Church in its political ambitions, and all sorts of endeavours have been displayed in endeavouring to crush this paper in America. All the time the Courts were open, if the bounds of free speech were transgressed or the matter published were untrue or libellous, it never availed itself of that except once, when it succeeded in getting the Department of Justice to lay an information against the owners and publishers for sending obscene matter through the post. The result was an acquittal, on the ground that the so-called obscene matter consisted of truthful statements concerning the acts of certain Roman Catholic priests. From that time the strongest efforts have been made in America to suppress this paper and prevent it going through the post. Several Bills have been introduced into Congress by Roman Catholic Congressmen. The Bills were couched in general terms, but the persons who introduced them admitted in the Committee which considered the Bills that the sole object of the Bills was to crush papers like *The Menace*, and *The Menace* was specially mentioned. They actually succeeded last year in getting Mr. Pelletier, the Postmaster-General of Canada—and a Roman Catholic, by the way—to prohibit the use of the Canadian mails to this paper. To such an extent have they endeavoured to prohibit the use of the mails and to crush the papers, and especially *The Menace*, which have been on the side contrary to them, that only last July a resolution was introduced into the American Congress charging them with that, and charging them also on their political side with grave crimes in their attempt to do so. This is a copy of the resolution:—

“I. The Pope of Rome is a foreign sovereign, claiming allegiance in temporal as well as spiritual matters throughout the world.

“II. The papal system of which the Pope is the head is opposed to and seeks to destroy our free institutions, to wit: (1) Our public schools; (2) the free Press; (3) the right of free speech and public assembly; (4) the right of freedom of thought in matters of conscience; (5) the principle of separation of Church and State.

“III. The papal system in America, which consists of the Roman Catholic cardinals, bishops, priests, the Jesuits, Knights of Columbus, Federation of Catholic Societies, the Ancient Order of Hibernians, and other Roman Catholic societies, together with the Roman Catholic Press, seeks to substitute for our democratic system of government the monarchical or papal system.

“IV. The Roman Catholic laity in the United States of America is taught, influenced, and commanded by those in authority to yield implicit obedience to the teachings of the Popes of Rome, and to blindly obey all their orders and decrees even though said orders and decrees conflict with the constitution and the laws of the United States of America.

“V. The Roman Catholic organization in America is perniciously active in politics, and, although having but few votes as compared with the whole body of electors, it manages by threats, intimidation, blackmail, and by coercion of the Press to secure an undue proportion of the elective and appointive offices throughout the country, and these offices when filled with Roman Catholics are used to further the plan of making America dominantly Roman Catholic.

“VI. In carrying out the conspiracy to bring the United States of America under the complete domination of the Pope of Rome the Roman Catholic hierarchy aided by the Roman Catholic politicians and the Roman Catholic Press has inspired the Roman Catholic laity to resort to threats, to intimidation, to the boycott, to assault, and to riot and murder.

“VII. The Roman Catholic hierarchy is now and has been for more than a year last past actively engaged within the territory of the United States of America in fomenting and inciting revolution in the Republic of Mexico, and attempting to bring about a state of war between the Republic of Mexico and the United States of America.”

Now, my aim in quoting—

Mr. Gray: I am very loth to interrupt lest it be supposed I desire to prevent my friend going into anything relevant to the inquiry, but I utterly fail to see the relevance of all this to

what your Worship is here to investigate. What is going on in America in relation to Roman Catholic propaganda is outside the subject of the present inquiry, and I do not see how the matter my learned friend is introducing now can help your Worship to determine whether or not the Post-office here in Auckland has been guilty of any neglect of duty, or whether the censorship applied to the correspondence of the persons represented by my friend was in the interests of the Roman Catholic Church. I assume my friend intends to prove what he has said; and the inquiry will last a great deal of time, and a great deal of matter be introduced which may be irrelevant. I hope it will not be thought I have any intention to keep back any matter relevant to this inquiry, but my friend, it appears to me, is going far beyond what is right.

His Worship overruled the objection, on the ground that in matters of the kind considerable latitude is allowed beyond strict relevance, and that the Roman Catholic Church moving as one leads to the inference that what is done in other countries is done here.

Mr. Gray: I am not seriously objecting on any ground beyond what I have stated. I should have thought it would have been sufficient for my friend's purposes if he had confined his observations to what has happened in Auckland.

His Worship: I have no objection.

Mr. Ostler: Those charges were introduced into Congress in a resolution last July: I do not know whether they were true. It is a fact that they were introduced into Congress. This is also a fact: that neither the Catholic Church nor any Catholic dignitary has asked so far that inquiry be made into those charges, and there they remain in the records of the Congress of the United States. I want especially again, in view of my friend's remarks, to say that I do not mention this with the idea of hurting any Catholic's feelings, or to carry on the propaganda which the association I represent wishes to carry on. Your Worship puts it as I would have put it myself had I been asked—merely to show that the activities in America were on a par with the activities which have led to some improper interference with the censorship in New Zealand. I have finished, at any rate, with America, and we will come on now to New Zealand. Naturally there are many ardent Protestants in New Zealand who take an interest in the work being done by the American papers and *The Menace*, and many copies come to New Zealand. Now, in peacetime, before the war commenced in 1914, no one ventured to say in New Zealand that *The Menace* was not entitled to free circulation of our mails; no one would have dared for a moment to suggest such a thing. Soon after the war started, however, this paper, which was so hated by the Catholics in America, was put on the list of papers not allowed to go through the mails. Complaints were, however, at once made, and it was at once removed from that "prohibited" list. Now, amongst the subscribers to this paper was a well-known citizen of Auckland, a Mr. Seabrook, and only in February last he addressed the publishers of *The Menace* enclosing £2-odd and ordering some literature. The letter was marked in the post-office, "Passed by the Military Censor"; then some one—we do not know who, but we know he was a Postal official—illegally and wrongfully marked on the letter the word "Prohibited," and sent it back. I say "illegally and wrongfully" because there is a well-known provision in the Post Office Act, and there is no other means—

Mr. Gray: This is something quite new, your Worship.

Mr. Ostler: It is a matter which the Post Office knows all about. I can show you a letter from the Postmaster-General.

Mr. Gray: Has this anything to do with box 912? I have never heard of this matter before myself. The Chief Postmaster assures me he knows nothing about it, and I do not know how it can be said to have anything to do with these charges.

His Worship: We shall have to accept Mr. Ostler's statement. He says he has been in communication with the Postmaster-General. It is only an opening.

Mr. Ostler: It is only to throw light on these charges. I have not the letter just here this morning, but here is a photograph of it.

Mr. Gray: What is the date?

Mr. Ostler: Some time in February, 1917.

His Worship: Proceed.

Mr. Ostler: You will see what I say; it was marked "Passed by the Military Censor"; then some one got the words "Military Censor" and stamped them over "Passed by," and some one wrote "Prohibited" on it, and it was returned to Mr. Seabrook. He immediately wrote to the four Postmasters and also the Censors in the four chief centres, to ask whether *The Menace* was prohibited, and he got the reply back in each case it was not so; and he thereupon wrote to the Postmaster-General, and in reply the Postmaster-General wrote admitting that a breach of law had taken place, promising it would not occur again, and assuring Mr. Seabrook that the official who had irregularly written that word "Prohibited" and sent it back was not a Roman Catholic. Now, these facts are mentioned in order to throw light on the first of the three charges. Now I come to that charge. Box 912 was taken in the early part of 1916 by the Loyal Orange Lodge, and it was used by a Committee of Vigilance consisting of men who had become alarmed by what they considered the dangerous activities of the Roman Catholic Church in New Zealand. This committee published a pamphlet entitled "Rome's Hideous Guilt in the European Carnage" [copy handed in]. Your Worship will see it purports to be, and is, a reprint from the *Churchman's Magazine*, which had been allowed to circulate in England without any censorship or any difficulty whatever. The only difference is a small local reference to a local politician here, which is really very harmless, and, at any rate, not an attack on the Roman Catholic Church. Now, that pamphlet has no connection whatever with military matters, and it contains no statement whatever, I submit, which any man is not entitled to make in conformity with the right which still exists in this country of free speech. The right of free speech, I take it, has merely been cut down in certain well-defined directions by regulations under the War Regulations Act, the

necessity for which was dictated by the public danger. But, except as taken away by the War Regulations Act for that express purpose, the right of free speech still remains, I submit, in this Dominion, and before this Commission it is safeguarded by statute—unless, indeed, that statute has been undermined by some secret power of the Imperial Government, as it has been suggested the express provisions of the Post and Telegraph Act had been. As soon as the distribution of that pamphlet started, the police, in the person of a Superintendent and two constables, raided the offices of the publishers, seized copies of the pamphlet, and insisted upon the publishers disclosing the names of the persons ordering the publication. Now, it would be very interesting to know by what authority the police acted. I understand they acted by some regulation under the War Regulations Act, but I know of no authority for their doing that. The matter had no connection with the war. Any person has the right to criticize the political acts of any person or any Church, and that is all that pamphlet does. But in spite of that, tremendous pressure was brought to bear on the Government to prosecute the authors and publishers of that pamphlet. The Catholic Federation—which, by the way, is one and the same Catholic Federation which exists all over America, linked up with the Catholic Federations all over the world, because the Church of Rome is universal—the Catholic Federation all over New Zealand began to pass resolutions and send them to the Government endeavouring to bring pressure to bear to prosecute the publishers. The Hon. Mr. Herdman, the Attorney-General, who in his public acts has always shown a happy mixture of firmness, moderation, and sound good sense, absolutely refused to prosecute, and he told the authors of this pamphlet in so many words they had a perfect right to issue that pamphlet, and that by so doing they had not infringed any war regulation or any law whatever. That was in the early part of this year, 1917. Orders for that pamphlet began to come to the authors' address, to box 912. Orders were continually being sent in. From the time, however, that the Attorney-General refused to prosecute the authors a military censorship was established over that box. From that time on, although the Government had officially decided through the Attorney-General that there was no ground whatever for prosecution, and that the persons responsible for that pamphlet had a perfect legal right to publish it abroad, the Post Office, or the Military Censor—I do not care one jot which, because in either case it was equally unjust and oppressive—started to intercept orders for that pamphlet, and those orders, some of them have not been delivered to this day—one or two, I understand, actually with money-orders in them. Now, the association which I represent, which is composed entirely of loyal citizens, want to know by what right and by whose orders they are treated as disloyal and pro-German, and their correspondence held up, when they had the assurance of the Government they were doing no wrong and could send that pamphlet out. If we cannot get to know that in this inquiry this result will inevitably follow: the public will be so convinced there is something wrong about this matter that agitation will never cease until it gets to the bottom of this matter, and somehow or somewhere the public will find out the real reason; and I submit that that Government which will endeavour to shelter itself behind what I say is the hollow excuse of State secrecy in a connection like this, so much the worse for it. I submit it is absurd to suppose that the New Zealand Government could not permit and compel the furnishing of this information if it chose. If not, this Dominion is not self-governing. If not, the Constitution Act is a sham and a farce, and Parliament has been assuming functions it does not possess. Of course, the Government must have power over its own Post Office and the censorship. Not only were orders for that pamphlet held up in the Post Office, but other correspondence addressed to that box was also held up. When the Committee of Vigilance which was using the box found that the letters were being intercepted they decided to test the matter, and they thereupon wrote four letters addressed to the Committee of Vigilance, which were posted by Mr. Howard Elliott himself to box 912 on the 16th April last, none of them dealing with any war subject at all. One of those letters was delivered and the other three held up by the Post Office or the Military Censor—we have never got them to this day. The three held up all dealt with questions connected with the Roman Catholic Church, but not one of them dealt in the slightest or remotest degree with military matters. Is it any wonder, I submit, that under these circumstances and on these facts the committee should conclude that the military censorship had been established over their correspondence in the interests of the Roman Catholic Church, because that could be the only interest in which the letters were held up? The letters dealt entirely and only with the Roman Catholic Church—nothing to do with any other matter at all. The matter does not rest there, however. I hope to be able to establish—not, indeed, by my witnesses, but when the Post Office witnesses come into the business I hope to be able to establish to the complete satisfaction of this Commission that in the month of March last a written order was placed in the order-book lying in the General Post-office at Auckland to this effect: "Literature distributed by the Committee of Vigilance, Post-office box 912, is to be submitted to censorship. The literature may probably be identified by a request on the cover to return letters, &c., if unclaimed, to box 912, Auckland; or may bear the words 'Committee of Vigilance.'" And to that order some one in the office has added a footnote, "Please see that all correspondence posted at Auckland or detected in transit is submitted to the Postal Censor." Then, again, early in July the Protestant Political Association resolved to have a meeting to inaugurate their association, and in order to hold that meeting they advertised in the daily Press. The advertisements appeared in the early part of July. After those advertisements appeared and had been made public further instructions were given on the 6th July—written orders placed in the order-book in the General Post-office—to hold back all correspondence for box 912. That is to say, that they must have known in the Post-office that correspondence was going to flow to this box 912 to endeavour to make the meeting a success by distributing tickets. The meeting was advertised to be held on the 11th July, and on the 6th July an order was placed in the book to hold back correspondence. We want to know who placed those orders there and by whose authority it was done, and we also want to know the motive behind the person who gave the original orders for it to be carried

out. Then, if it was the Military Censor, we shall never cease our agitation until we get a proper explanation—if not before this tribunal, then in some other way. But the Military Censor, or whoever arrogates to himself the authority to hold up correspondence addressed to this box, is not consistent in his actions. On Sunday night last four more letters exactly similar in tone and subject to the three held up were posted addressed to box 912. They all came through. Now, why? Have the orders been changed since because of the charges made?

Mr. Gray: I can safely say No.

Mr. Ostler: Very well. If it was right to hold up the first it was also right to hold up the second lot. If it was right to send on the second lot it must have been wrong to hold up the first. They are not consistent. That is all we propose to say about the facts of the first charge.

I then go on to the facts of the second charge—that is to say, the charge of holding up the correspondence of some forty-odd Nonconformist clergymen in this city, which prevented them giving notice of the meeting from the pulpit on the 8th July. Some forty-odd letters were addressed to Protestant clergymen in the city and suburbs, and were posted on Friday night, at about 11.20 p.m., at the Dominion Road post-office. They contained tickets for a public meeting to be held on the 11th July, and a request to the addressees to notify their congregations from the pulpit. They were posted on the Friday night in order to ensure that they should reach their destinations before the Sunday. We have most of the envelopes which were posted, and they all bear the post-mark of the General Post-office at Auckland, and the time 5 a.m., 7th July, which was Saturday, thus showing that they all reached the General Post-office and were forwarded in time for delivery on Saturday morning. In ordinary course of post those letters should have all been delivered on Saturday morning in time for Sunday. They were properly stamped, 1½d. each; they were properly sealed; they were ordinary-looking letters. None of them were held up as being overweight. They all bore on the outside a superscription, "If unclaimed within seven days please return to box 912, Auckland." Now, sir, I think there were forty-three, or forty-four to be exact. Only one was delivered on Saturday morning out of the lot, although they all reached the Post-office, as shown by the post-mark, in ample time for delivery. Two were never delivered at all; the ministers concerned have not got them to this day. All the others were delivered after Sunday, too late for the main purpose for which they were posted—some on Monday, some even as late as Tuesday. In addition, all the envelopes we have bear a piece of stamp paper on the back [specimen handed in]. It was certainly not there when they were posted; it seems to show they have been opened or tampered with in course of post.

Mr. Gray: You have not submitted any of these to the Postmaster, have you?

Mr. Ostler: I do not know just now; I will find out for you. I would just say that not one of these envelopes which we possess bears the mark "Passed by the Military Censor," or is marked at all to show it has been subject to censorship or passed through his hands. So that, in addition to the order that we know of—that we hope to be able to prove—which was put in the order-book, indeed, the very day that these were posted—to hold up the correspondence—if it was done by the Military Censor, he not only did it but he omitted to show he had done it. That is to say, the Military Censor apparently has power to hold up correspondence, open it, not to make any mark on it, but to pass it on, for any reason he likes. Now, I understand, indeed, that the facts I have stated are not denied by my friend. Could you help me, Mr. Gray, at this stage by saying whether you will deny the fact that they were held back in the Post-office?

Mr. Gray: I will not deny that the letters which came into the Post-office on Friday night or Saturday morning were, pursuant to instructions already referred to here, handed to the Censor. What he did with them I cannot say.

Mr. Ostler: Probably that admission of my friend will save the calling of fifty witnesses.

His Worship: I am glad to hear it.

Mr. Ostler: So am I. If my friend is prepared to admit the fact that these letters reached the General Post-office by 5 o'clock on Saturday morning and yet were not delivered until, some on Monday, some on Tuesday—

Mr. Gray: I quite admit that.

Mr. Ostler: If these facts are admitted or proved—I do not care which—what inference could possibly have been drawn by any fair-minded man who knew the facts, and who knew at that time nothing of what was happening inside the Post-office, except the inference drawn by the Rev. Howard Elliott, that the letters were improperly detained and tampered with in the course of post? And unless the Censor is able to give a pretty good explanation why he interfered or tampered with letters not dealing with the war at all, it is the inference which will be drawn far and wide by the public.

I now come to charge No. 3 (No. 1 in the letter to the Prime Minister), which I propose to deal with last. There were 2,000-odd envelopes posted by the association which I represent, some on Monday, 2nd July, and some on Wednesday, 4th July, all at the Dominion Road post-office. Each envelope contained a printed circular, and also a card of application for tickets [copies put in]. They were all in the same-sized envelopes and the same quality envelope; some, however, were blue, some white, the reason being that they ordered two or three thousand from the stationer and he was not able to supply them all of white, and he had to give a thousand in blue. The circulars were all the same size; they were all folded in the same way, and when folded they fitted the envelopes tightly, as you will see by that example—that is to say, so tightly that it would be practically impossible for them to fall out accidentally. The flaps of the envelopes were not gummed down, but they were turned inside the envelopes and overlapped the circular and the card inside. All were stamped as that sample before your Worship is stamped, with one-penny stamps. The stamping was done last, after the envelopes were filled, and the minds of the persons who stamped them were specially directed to seeing that the envelopes were filled first. I can show that none of those envelopes were posted

unfilled: that is shown by the fact, quite apart from our evidence, that by the Post Office Regulations, as I understand, if an empty envelope is posted it is the duty of the sorter—who, as your Worship knows, becomes extremely expert at his work—to mark it with the words “Received, no contents,” to initial it, and to get it initialled by another Post officer. So far as I know this was not done in a single instance in the whole two thousand, thus showing that when they went through the sorter’s hands they were filled. Now, we are able to prove that a number of them were delivered empty—how many of them we naturally are not in a position to prove. We can prove sufficient, however, to show that something was wrong, and amply sufficient to justify the charges made. Two witnesses never received their envelopes at all; nine received theirs empty. In two instances two postmen on different rounds stated to two respective witnesses, whom we will produce, that a number had been delivered empty on their respective rounds. In one of the nine cases a daughter of the addressee went to the post-office and asked for an explanation; the answer she got was that they did not know how it occurred, but they instructed her to post it back in an envelope to box 912. She did this, enclosing a note. We never got that letter—that letter has never been received. In one of the nine cases the addressee went to the post-office to inquire the meaning, and the officer at the post-office took the envelope, wrote on it “Received, no contents,” and handed it back—quite an unlawful act, quite wrong: how could that officer know that it was received without the contents?

Mr. Gray: Was the Chief Postmaster informed of that?

Mr. Ostler: I do not know.

Mr. Gray: We are beginning now, sir, to get particulars of these delinquencies.

Mr. Ostler: Another went to Devonport. He was informed they could not understand it, but they had a lot of that sort there. In one of the cases the Rev. Howard Elliott filled the envelope, remarking on the name of the addressee. In addition, there were a number of tickets posted on the 10th July for the meeting on the 11th July. In one case we can show the ticket was not delivered; in one case it was delivered on the 12th—too late for the meeting. And I can also show that persons posted letters applying for seats which were never delivered—two, perhaps three, cases. Now, what is the explanation of this state of things? I would be the first to admit that if this charge stood by itself, without anything else, it is just possible it could be explained by carelessness and laxity on the part of some one in the post-office, and had not been due to design—although, seeing the amount of laxity, it is difficult to believe that; but in view of the other charges I am satisfied that my clients are entitled to assume it was rather the result of design than mere negligence. I do not know whether I am right in this; I am going to ask whether I can get the information. We know that the number of Catholics in New Zealand is about one-seventh, or 14 per cent., of the whole population. I know Archbishop Brodie at Christchurch, speaking before you, stated there were about 150,000 Catholics in New Zealand. If that is so, it is really one-eighth of the total population; but we will give them credit for the larger number, about one-seventh, or 14 per cent. I understand it to be so, and I am going to ask the Post Office to furnish a return that the proportion of Catholics in the Post-office at Auckland is at least double that, or 33 per cent.

His Worship: Do they keep a record of the religions of officers? I do not think so.

Mr. Gray: Certainly not. Mr. Morris is here, and will tell you he keeps no record.

His Worship: I should think not. I have several clerks, and I should not think of asking the religion of any one of them.

Mr. Ostler: I understand a return has been moved for in Parliament to be laid on the table of the House: whether that is to be complied with I do not know.

Mr. Gray: Not as far as the Post Office is concerned. They have no means of furnishing it.

Mr. Ostler: On the 6th July, just when these letters were going through the Post-office, express orders were given in the order-book to prevent them.

Mr. Gray: I have not admitted that express orders were given then. I am not familiar with that. There was, as I said the other day, a general instruction.

Mr. Ostler: Each bore that stamp “Return to box 912.” In view of these facts, and the way in which the committee was previously treated, what other conclusion could any fair-minded man come to but that there was something wrong and something done by design in stopping their correspondence going through? What has made my clients so especially bitter and determined to go to any length to get the true facts is the fact that day by day—or, at any rate, week by week—they see matter going through the post, from the Catholic Church, of most disloyal and seditious utterances which no attempt is being made in the Post Office to suppress as far as I know—at any rate, no attempt to prosecute. Only the other day attention was drawn in Parliament to a most disloyal utterance of the Bishop of Limerick.

Mr. Gray: The Post Office exercises no censorship.

Mr. Ostler: Here is the fact: they stopped the letters of the Protestant Association, and they allow the letters and printed matter of Catholics to go through, notwithstanding that they contain disloyal utterances, which, if they had been made by any one not of that religion, would, I submit, entitle the makers to at least twelve months’ imprisonment under the Attorney-General’s famous War Regulations. There are many men here in Auckland who have obtained twelve months’ imprisonment for making far less disloyal utterances than many in the Catholic Press the last month I could point to. I know one the other day in the Catholic Press (*Tablet*), a statement by Archbishop Mannix against conscription: “He has been denounced, too, and in very unmeasured terms, because he had the audacity and temerity to state that murder was murder, which is the same if it was committed in Dublin or in Belgium. The Press of Melbourne had rung out in words of condemnation, and they had not heard the end of it yet. But murder was murder, no matter where it was committed, and they could not blot out the bloody stain by simply covering

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

open any letter in the Post Office and you cannot ask me the reason, because there is a war on." I submit the very statement shows it cannot hold water. No doubt it will be true to say that the appointment was requested by the Imperial Government. We know that before the war commenced there was a body in England known as the Imperial Council of Defence, whose duty it was to provide for the means of defence of the Empire, and to see that if war broke out all parts of the Empire should be as ready as possible; and no doubt that body would, in concert with the various parts of the Empire—the various self-governing colonies—have contrived a set of instructions for the taking of all war measures deemed necessary, and no doubt the censorship included. But if such instructions as those were in existence I will undertake to say that the instructions must have been for the Minister of Defence or our Government to control the Censor. I think I have said all I can say just at this moment on that point. I will now proceed to call my evidence. I have forty-three clergymen here to give evidence that their letters were not delivered.

Mr. Gray: I have already admitted that the letters posted on the Friday night and received at the Post-office on Saturday morning were handed to the Censor.

His Worship: Therefore, presumably, were not delivered. We must take that as an admission, I think, Mr. Ostler.

Mr. Ostler: Will my friend admit that some were not delivered until Monday, some not until Tuesday?

Mr. Gray: All we know is that the letters were released by the Censor on Monday.

Mr. Ostler: A good many were not delivered until Tuesday.

Mr. Gray: These letters, so far as we know, went out on Monday afternoon.

Mr. Ostler: I propose to call one or two, at any rate, to show that they did not get their letters until Tuesday.

Rev. CHARLES HEWLINGS GARLAND examined.

1. *Mr. Ostler.*] What is your full name, Mr. Garland?—Charles Hewlings Garland.

2. You are a Wesleyan Minister?—A Methodist Minister.

3. Residing where?—Remuera, Auckland.

4. Did you get a letter addressed to you from the Protestant Political Association, asking you to notify the holding of a meeting from your pulpit on Sunday, the 7th July?—I did.

5. Can you give us the date on which you received it?—

6. *Mr. Gray.*] Have you got the letter here?—

7. *Mr. Ostler.*] Do you know whether your envelope was preserved?—No; I did not preserve it.

8. Can you tell me the date on which you got it?—Of course, I can only speak from memory now, but when I spoke in the City Town Hall I was then speaking from a fresher memory than I have now, and there I stated what I still believe is correct—I received it on Tuesday morning.

9. That is, the Tuesday before the meeting?—Yes. It was for a pulpit announcement to my congregation. It was no use keeping it; I threw my letter away.

10. *Mr. Gray.*] You saw from the contents of the letter that the import was the request to you to make the announcement from the pulpit: when did you receive it?—Trusting my memory, I can only say it reached me Tuesday morning.

11. How are your letters usually delivered?—We have two deliveries—morning and evening.

12. You live at Remuera—that is some distance out?—A little way beyond Brighton Road.

13. What time is the afternoon delivery made at your house?—Between 2 and 3 o'clock.

14. And the morning delivery?—Between 9 and 10 o'clock.

15. Were you away at all on the Monday afternoon?—I could not say.

16. Is there any possibility of the letter having been left at your house on the Monday afternoon during your absence, and not brought to your notice till Tuesday morning?—Well, I suppose there is a possibility, but it would be extremely improbable.

17. You see, Mr. Garland, you recognize the difficulty of the Post Office, as you are not able to produce the letter and show the postmark upon it. You made no complaint to the Post Office about the late delivery of your letter?—No.

18. Was there anything special about the condition of the envelope?—Nothing that I can recall.

19. Are your letters delivered by letter-carrier at your house?—They are put into a box near the gate.

20. They are put into a box near the gate: how far is the box from the house?—About a chain.

21. Whose duty is it to clear the box?—No one's duty.

22. Any one connected with the house?—Yes.

23. Then there is no one who does it regularly?—No.

24. Are you quite certain that that box was cleared late on Monday afternoon?—I could not be certain now.

Rev. REUBEN BAILEY examined.

1. *Mr. Ostler.*] Your full name, Mr. Bailey?—Reuben Bailey.

2. What is your denomination?—Baptist.

3. Living where?—In Richmond, Grey Lynn.

4. Did you get that envelope, Mr. Bailey?—Yes.

5. Can you tell us when you got it?—Tuesday morning, the 10th July.

6. There is a note there: is that your writing?—Yes, that is my writing.

7. Did you put it there at the time?—Yes, I put it there on Wednesday morning.

To His Worship: When that left our hands there was not a bit of stamp paper on it. Every one of them bears that now. That must have been done by the Censor.

8. When you received the envelope did it have that piece of stamp paper gummed on it?—Yes, sir.

9. What was in it when you received it?—When I received it there were two reserved tickets and two platform tickets.

10. That is four tickets altogether?—Four tickets altogether.

11. Did it contain a request to you to notify your congregation on Sunday?—Yes, a request to announce on Sunday the public meeting.

12. *Mr. Gray:* How many deliveries are there to your house, Mr. Bailey?—Two—one in the morning and one in the afternoon.

13. Does the letter-carrier bring the letters to the door?—Yes, to our hand.

14. Do you recollect the receipt of this letter?—I do not. It arrived Tuesday morning. I did not personally see it. I suppose my wife received it.

15. Can you recollect where you got it from? Was it put on your mantel-shelf or table?—It would probably have been put on my study table.

16. No possibility of it having been put there the day before?—There was no possibility.

17. You yourself made no complaint to the Chief Postmaster?—I made no complaint.

18. You never produced that envelope to the postman to ascertain the reason for the delay?—No.

Mr. Ostler: Would you mind asking the reason?

Mr. Gray objected.

Witness: I would like to say in fairness I would have complained, but being at the Wednesday meeting I heard the general complaint.

REV. ALEXANDER ANDREW MURRAY examined.

1. *Mr. Ostler:* What is your full name, Mr. Murray?—Alexander Andrew Murray.

2. I understand you are a Presbyterian clergyman?—Yes.

3. Residing where?—I Wynyard Street.

4. Did you get a letter from the Protestant Political Association asking you to make a pulpit announcement for the meeting?—I did.

5. Can you tell us on what date you got the letter?—On Tuesday evening. I was out of town Monday and Tuesday. My wife and I were at Hamilton, and I returned on the Tuesday evening. On my return the letters were waiting me on my hall-stand. I asked the maid who received the letters when the thick letter arrived. She said "on Tuesday."

Mr. Gray objected.

Mr. Ostler: You surely do not bind us down to strict evidence?

Mr. Gray: I do.

Mr. Ostler: Well, we will call the maid if you like.

Mr. Gray: Certainly.

6. *Mr. Ostler:* From the inquiries you made what did you discover as to the date on which it arrived?—

Mr. Gray: I understand this gentleman did not receive it.

His Worship: He had better not go any further. Have you got any more direct evidence? Are you discriminating?

Mr. Ostler: I am only calling those who did not receive their letters until Tuesday. It is not very important whether they got them on Monday or Tuesday. I understand that my friend admits that, with the exception of those gentlemen, all the rest got them on Monday.

Mr. Gray: How many?

Mr. Ostler: I do not know. I could find out and show you their letters and agree on an admission.

HENRY SYDNEY BILBY examined.

1. *Mr. Ostler:* What is your full name?—Henry Sydney Bilby.

2. Your occupation?—Secretary, Protestant Political Association.

3. Your address?—100 Balmoral Road at the present time.

4. Did you post any letters on the 6th July last addressed to Nonconformist clergymen?—Yes.

5. In connection with this meeting?—Yes.

6. Is that a list of the clergymen to whom letters were addressed?—Yes, that is so.

Mr. Gray: The notes in pencil have been made by Mr. Williamson, Chief Postmaster, but are not of any importance.

7. *Mr. Ostler:* Are you certain you posted letters to every one on that list?—Oh, yes, quite certain.

8. Where did you post them?—Dominion Road post-office.

9. At what time?—At about 11.20, I should say: before the collection of the mail.

10. 11.20 p.m., I suppose?—Yes.

11. When you posted them did any of them contain any stamp paper stuck on the back?—No, nothing of that—just plain sealed envelopes.

12. You see that bit of stamp paper: are you quite sure that was not done?—No, just sealed in the ordinary way—no stamp paper on.

Mr. Ostler (to *His Worship*): I suppose, sir, it would be more convenient to take the evidence on the other charges and finish with each witness rather than bring him back again.

His Worship: Oh, certainly.

13. *Mr. Ostler.*] With regard to the charge about the envelopes that were posted empty, Mr. Bilby: did you have anything to do with the posting of the envelopes containing those circulars?—I posted those with Mr. Keyworth.

14. You and Mr. Keyworth posted those?—Yes.

15. When were they posted?—Some were posted on the Monday night and some on the Wednesday night. It is a long time ago.

16. Some on Monday night and some on Wednesday night—previous to when?—Previous to the meeting

17. That would be on the 2nd and the 4th July?—Yes, quite so.

18. Can you say of your own knowledge whether all the envelopes that were posted were filled with the circular and the card?—Yes.

19. They were all filled before you stamped them?—We stamped them before they were posted.

20. You stamped them last?—Yes.

21. Did you take part in the stamping?—Yes.

22. How do you know that you did not stamp any empty envelopes?—Because you know the difference immediately you stamp an empty envelope and a full one. There is a card in, and you can feel the imprint of the card as you push the stamp down.

23. Was your mind specially directed to the point as to whether they were filled when you were stamping them?—Yes; the box had been filled with full envelopes and put aside for them to be stamped.

24. Did you actually put the stamps on some of them yourself?—Yes.

25. Who else besides you put the stamps on?—Mr. Keyworth.

26. No one else?—No, no one else.

27. Can you say that as far as the envelopes which you stamped were concerned none of them were empty?—No, none of them were empty—all full.

28. Were there others present in the room when you were stamping the envelopes besides you and Mr. Keyworth?—Yes, in another part of the room.

29. Where was Mr. Elliott: was he there?—He was sitting at the other table.

30. He was present in the room but sitting at another table?—Yes.

31. Did you tell us at which post-office you posted these circulars?—Yes, Dominion Road.

32. About how many did you post?—Altogether, somewhere about two thousand five hundred.

33. That is to say, in the two postings?—Yes.

34. In your position as secretary did you get any complaints of non-delivery?—Yes, we had several complaints.

35. You had several complaints of non-delivery: were any of them from people you knew you had sent a letter to?—Yes.

36. Did you get any other complaints besides the fact that some were not delivered?—In what way?

37. You sent these letters out with circulars and cards in: did you get any complaint from any one about them afterwards?—Yes, the complaints that they had been delivered empty.

38. *Mr. Gray.*] Did you keep a list of persons to whom these circulars were sent?—We had lists handed in by various people interested in the movement desiring letters to be sent to these people.

39. Desiring you to send letters to these people; but did you keep a list?—No, we did not compile a list.

40. How was the original list made up?—There was no original list—just pieces of paper.

41. You have no list now showing the persons to whom the circulars were sent?—No, we have no list.

42. Who addressed the envelopes?—Various people of the committee.

43. How many?—Different times, about five or six people—coming in at different times.

44. Five or six people at different times addressed the envelopes?—Yes.

45. Were the addresses taken from the Post Office Directory—anything of that sort?—The addresses were given by the people who gave the lists.

46. You took no steps to ascertain that they were correct addresses?—The people who handed in the lists were their own friends, and naturally they would know their addresses.

Mr. Ostler: I understand as a matter of fact we have all those names.

47. *Mr. Gray.*] Would you be surprised, Mr. Bilby, to hear that in some cases letters were not delivered for such reasons as these: "Not known by letter-carrier"; "No such person in Beach Road"; "Not known by letter-carrier"; "Not found"; "Not found"; "Gone, no address"; "T. G. Bennett" endorsed "Not for F. Bennett, to whom it was tendered": would you be surprised?—No, I am not surprised; I received them back from the post.

48. Then it is a fact that a number of these letters posted by you were returned to you by the Post-office with endorsements such as I have mentioned?—Yes.

49. Take another case just as an instance: I think this letter was one of those which were included in your posting?—Yes, that is one of them.

50. You know the writing?—Yes.

51. Who wrote that—Mr. Keyworth?—Yes, I should say so, from the writing.

52. It is addressed very plainly "Mr. J. Gailey, Mt. Albert Road, Mt. Albert, Auckland." It was returned to you from the Post-office with some memorandum on the back, "Not for J. Gailey, Mt. Albert Rd."

Mr. Ostler: Why do you say it was returned to us: you appear to have it yet?

53. *Mr. Gray.*] Do you know Mr. J. Gailey, Mount Albert Road?—No.

54. Would you be surprised that Mr. Joseph Gailey made a complaint that he did not receive this letter?—One of the Post-office officials told me.

55. Do you not know that a letter was intended to have been sent to Mr. J. Gailey?—No, I do not know. I did not go through all the two thousand addresses.
56. Do you know either of the persons?—No.
57. Do you not know enough about it now to know that the name was intended for “Mr. J. Gailey, Mount Albert Road”?—No.
58. Were you and Mr. Keyworth the only persons who stamped the letters?—Yes.
59. How long were you doing them?—Several evenings.
60. When did you begin the process?—We started on Monday night.
61. Monday, the 2nd?—Yes.
62. You were stamping, I suppose, on Tuesday night and Wednesday night?—It was done in batches, and we would keep on until we finished, and then, of course, the batch was posted.
63. After you stamped the envelopes what did you do with them?—We carried them in a box and posted them at the Dominion Road post-office.
64. And they were not examined by any one else?—We were checking other people’s work.
65. How many of the two thousand five hundred were posted on the Monday and how many on the Wednesday?—One thousand two hundred the first time, and the balance afterwards.
66. Can you tell us how long it took to put the stamps on?—No.
67. Did you lick them?—Yes. I cannot say how long.
68. You told Mr. Ostler you could easily see if the envelopes were empty. Some of the envelopes were thicker than that?—No, not thicker; I think he made that clear.
69. Were all blue envelopes?—Yes.
70. You have not told me yet how long it took to put the stamps on?—We kept no time.
71. Have you any idea?—We were all the evening.
72. I should think so: and glad to have finished?—Yes, we were glad to get them out.
73. Now, I suggest that the paper of the envelopes is pretty thick, and the paper of the circular is thin. Do you still say you were certain to know whether the contents were in?—I am certain every envelope I stamped was filled. Had they not been filled the flaps would have been open.
74. Did any young ladies help to fill these envelopes?—Yes.
75. Would it not have been possible that some of them omitted to put the contents in?—We could have told by the thickness.

ERIC LOUIS KEYWORTH examined.

1. *Mr. Ostler.*] What is your full name, Mr. Keyworth?—Eric Louis Keyworth.
2. Your occupation?—Grocer’s assistant.
3. You live where?—100 Balmoral Road.
4. I understand you helped Mr. Bilby to stamp these 2,000-odd envelopes?—I did.
5. Did any one else have any hand in the stamping besides you and Mr. Bilby?—No.
6. So far as the envelopes which were stamped by you are concerned, is it likely that you stamped any empty envelopes?—No.
7. Why do you say that, Mr. Keyworth?—Because there was great precaution taken that each envelope should contain its card and its pamphlet.
8. Was your mind specially directed to discovering whether the things were full when you put the stamps on?—You could tell by the feel of them.
9. Are you pretty confident, then, that all you stamped were filled?—Yes.
10. Were you present at the posting?—I was.
11. At Dominion Road?—At the Dominion Road post-office.
12. Did you help Mr. Bilby with the letters which were sent to the Nonconformist clergymen?—I did.
13. On what date were they posted, and where?—At the Dominion Road post-office, at 11.15 or 11.20 p.m.
14. Did you or Mr. Bilby put on any stamp paper on the back of the envelopes?—No.
15. Those addressed to Protestant clergymen?—No; we put on the three-halfpenny stamp and sealed them ordinarily.
16. Now, going back to the 2,000-odd envelopes: were special precautions taken to see that they were properly closed?—They were turned in.
17. That is a list of the clergymen: were letters sent to all those men on that list?—Yes.
18. Every one?—Oh, yes.
19. *Mr. Gray.*] Can you tell me how long you and Mr. Bilby took to stamp these circular envelopes?—The greatest part of Monday evening was spent in stamping them.
20. What does that mean—from about 7 to 10?—Yes.
21. And Wednesday evening?—Yes.
22. About the same?—Yes.
23. You did not post them until twenty minutes past 11: did you finish them just before that?—On Wednesday evening it was a rush. We had to get the table cleared up.
24. What time did you take?—We started right after our dinner.
25. It took you about four or five hours?—Yes; I was stamping all the time.
26. It was a rush, you say, to get things cleared up and the letters posted in time: do you suggest that you took any sort of steps to see that every envelope had something in it?—Yes; every person who was handling the envelopes—
27. Exactly. Only two of you were stamping?—Yes; in the stamping process we could tell by handling.
28. Does your occupation tend to make your fingers sensitive?—They are as sensitive as most, I suppose.

29. You had nothing to do with the addressing of the envelopes, I suppose?—I did a little.

30. When you came to stamp the letters, were all ready for you, addressed by other people—addressed and filled?—Yes.

31. And you had nothing to do with checking the addresses or checking the contents?—As I stamped I looked over each address carefully and to put the stamp on.

32. And you were satisfied that the address was correct?—Yes.

33. Now tell His Worship how many envelopes you handled in those two nights: would it be about a half of the whole of the letters?—I did the biggest part of them.

34. Over 1,250?—Yes.

35. You examined over 1,250, and you say that each envelope as you handled it you examined to see that the address was correct?—I looked for three lines of address.

36. That was not what you said a moment ago?—Three lines of address is considered correct.

37. But you do not suggest that you looked to see that the name was correct and the address correct—the right name of the street?—I am not a speller myself. It was three lines of writing.

38. Name, street, city?—Yes.

39. You felt each envelope to see that there was something inside?—Yes.

40. And you licked and put on over 1,250 stamps: you must be a smart man?—I do not see it.

41. Now, do you know that complaints have been made to your association that envelopes were received with nothing inside?—Yes.

42. Do you know in how many cases such complaints have been received?—I do not know the exact number.

43. About?—I know there were several.

44. How many?—I should say, half a dozen or so.

45. And out of 2,500 there were only half a dozen: would you accept my assurance that it has been reduced to nine? The names have been supplied by Mr. Ostler. You know there were not more, do you not?—I do not know the exact number at all.

46. You thought about half a dozen?—Yes.

47. And of letters not delivered at all, two persons?—Yes, that is correct.

48. *Mr. Ostler.*] I note on this list supplied to me of the reverend gentlemen there were two names apparently left off—one the Rev. F. A. Thompson, and the Rev. G. A. Macdonald, of Takapuna. Do you know whether you sent a letter to the Rev. F. A. Thompson amongst other letters?—No, I do not know myself.

49. Or the Rev. Macdonald, Takapuna?—No, sir.

HENRY SYDNEY BILBY recalled.

1. *Mr. Ostler.*] Did you send a letter to the Rev. F. A. Thompson amongst those other letters?—Yes, sir.

2. And one to the Rev. Macdonald, of Takapuna?—Yes.

JOHN LOWE examined.

1. *Mr. Ostler.*] What is your full name, Mr. Lowe?—John Lowe.

2. And your occupation?—Draper.

3. And your address?—My business address, 25 Marine Square, Devonport.

4. Your postal address?—10 William Street, Devonport. I have two addresses.

Mr. Gray: He has two addresses.

5. *Mr. Ostler.*] Every one who has business in town has, I suppose. Did you get an envelope like this letter?—Yes.

6. When?—I could not tell you the date.

7. About when—was it just before the time of the Protestant Association meeting?—Yes, some days before.

8. Did it have anything in it, or was it empty?—Empty.

9. What did you do when you got it?—I went straight down to the post-office to ask if they could tell whom box 912 belonged to.

10. The post-office where?—Devonport.

11. To ask whether they could tell whom box 912 belonged to?—Yes.

12. That was because of the notification “If unclaimed please return to box 912”?—Yes.

13. What was the reply?—Oh, they said, “We have got a number of those here.”

14. *Mr. Gray.*] Who?—The young lady at the counter, Miss Blandford.

15. *Mr. Ostler.*] She said, “Oh, we have a number of those here”?—And she showed me what they contained: she showed me one of the full ones.

16. Did you keep your envelope that was empty?—No, I did not.

17. What did you do with it?—Tore it up—destroyed it.

18. *Mr. Gray.*] Do you recollect how the envelope was addressed?—No, I could not be sure; I think it was “J. Lowe, 25 Marine Square, Devonport,” as far as I can remember.

19. Not “A. Lowe”?—No.

20. Was your envelope left at your shop?—It was given into my own hand.

21. By the letter-carrier?—Yes.

22. You do not keep a box?—No.

23. Did you make any complaint beyond what you have told us?—No.

24. You did not ask the Postmaster to inquire?—No.

JOHN HENRY HANNAN examined.

1. *Mr. Ostler.*] Your full name, Mr. Hannan?—John Henry Hannan.
2. You are a draper?—Yes.
3. And you reside at Victoria Avenue, Remuera?—Yes.
4. Did you receive an empty envelope—one of these envelopes with “If unclaimed within seven days please return to box 912” stamped on it?—I could not say what was stamped on it.
5. I will show you the envelope: did you receive that envelope?—Yes.
6. When you received it did it have any contents?—No.
7. What did you do with it?—I waited until the letter-carrier came round and handed it to him, and asked him to ascertain what was in it.
8. What did you hear about it next?—He brought it back with that written on it.
9. The words “Received without contents” and some initials on it?—Yes.
10. Did he say anything about it?—He said he believed it contained a circular with regard to this Protestant meeting.
11. *Mr. Gray.*] Do you know the name of the letter-carrier, Mr. Hannan?—His name, I think, is Mr. Woods.
12. When you received it was the flap of the envelope turned in or out?—It was turned in, I believe.
13. This pencil note?—That was something in regard to a party who interviewed me.
14. It was in that state with the flap turned in?—Yes; I believe it was in that state when I received it.
15. The letter-carrier did not write that memorandum, did he?—I do not know who wrote it.
16. When did he bring it back?—He brought it back the day after, I think.
17. *Mr. Ostler.*] Did the letter-carrier tell you he had written that memorandum, “Received; no contents”?—No, I do not think so.

HENRY SYMONS examined.

1. *Mr. Ostler.*] What is your full name, Mr. Symons?—Henry Symons.
2. Not “J. H.”?—No.
3. Your occupation?—Retired Civil servant.
4. And your address is Hillside Crescent, Mount Eden?—That is so.
5. Did you receive that envelope through the post?—I did.
6. Did it have any contents when you received it?—No.
7. What did you do when you received it?—I retained it for the greater part of a week, I think, lying upon my blotting-pad on my desk at home, not having placed very much importance upon it: expected to hear perhaps, later on, something regarding its contents. After about a week I returned it.
8. To whom?—To box 912.
9. Did you know when you received that letter who were the people who had rented box 912?—Not at all. I did not know anything about the meeting until the morning after it had occurred.
10. Can you tell us the date on which you received it?—No, I cannot. I think it was on the Saturday, about nine days before the occurrence of the meeting.
- Mr. Gray:* It was posted on the 3rd.
11. *Mr. Ostler.*] Posted on the 2nd and received at the General Post-office on the morning of the 3rd—that is, Tuesday. What was the position of the flap when you received it, did you notice?—It was open—not tucked in.
12. *Mr. Gray.*] Are you sure of that, Mr. Symons?—I am sure of it. I took it from the postman myself.
13. The letter-carrier delivered it to you?—Yes.
14. Did you draw his attention to the fact that the flap was out?—No; I received it amongst other letters.

BERTIE SMITH examined.

1. *Mr. Ostler.*] What is your full name, Mr. Smith?—Bertie Smith.
2. And your occupation?—Plumber.
3. And your address?—28 Croydon Road, Mount Eden.
4. Did you receive an envelope addressed to you similar to that?—That is correct.
5. This is not his own. He has destroyed it. Was it empty?—Empty.
6. Did you notice if it had “If unclaimed please return to box 912”?—That was on it.
7. Can you give us the date on which you received the letter?—That I cannot remember.
8. Was it before the Protestant Defence Committee’s meeting?—It was before.
9. About how long before?—Well, as well as I can remember, about four or five days.
10. How was the flap—in or out?—Out; that was how it was when I found it. I never inquired of the wife; she was the one who received it.
11. Where is your wife now?—At home.
12. I understand she is ill?—She is convalescent. That was the reason I came in her place. We were trying to guess whose the handwriting was.
13. Was it empty when she received it?—
- Mr. Gray:* How should he know?
- Mr. Ostler* urged that the evidence should be accepted.
- His Worship:* That is not the point. The point is that it is bad secondary evidence, Mr. Ostler. I must draw a line somewhere. I quite agree with you I would not consider myself bound by any strict rules of evidence, but I am not going to be bound by that sort of evidence.

14. *His Worship* (to witness).] What state of health is your wife in?—She has recently come out of hospital after undergoing three operations. It is the excitement that is the drawback. The help also witnessed the envelope being received empty.

15. Perhaps we could bring her?—I think so.

16. *Mr. Ostler*.] Where were you when your wife received the envelope?—I was at business.

17. You were not at home?—No, sir.

18. What became of the envelope?—My wife destroyed it.

19. What is the name of the help?—Miss Phillips.

20. Is she at home now?—Yes.

21. Could she be got this afternoon, do you think: we could probably send a motor-car?—Yes.

Mr. Gray: No questions.

Rev. FREDERICK ARTHUR THOMPSON examined.

1. *Mr. Ostler*.] What is your full Christian name, Mr. Thompson?—Frederick Arthur Thompson.

2. And your occupation?—Presbyterian Minister.

3. Where do you live?—76 Crummer Road, Grey Lynn.

4. Did you receive a letter from the Protestant Political Association asking you to notify a public meeting from your pulpit on Sunday, the 8th July?—No.

5. You never received it?—No.

6. *Mr. Gray*.] How are your letters ordinarily delivered to you?—By the postman.

7. By the letter-carrier at your house?—Yes.

8. At the door?—Yes.

Rev. GEORGE ALEXANDER JOHNSTONE MACDONALD examined.

1. *Mr. Ostler*.] What is your full name, Mr. Macdonald?—George Alexander Johnstone Macdonald.

2. Where is your postal address?—The Manse, Takapuna.

3. Did you receive a letter from the Protestant Political Association asking you to announce a public meeting from the pulpit on Sunday, the 8th July?—No.

4. You have not received it at all at any time?—No.

5. *Mr. Gray*.] Are your letters usually delivered at your house, Mr. Macdonald?—Yes, as a rule.

6. When are they delivered at any other place?—Occasionally at box 1032, but only letters from other parts of the country—letters not dealing with Church matters.

7. How is the letter-carrier to know?—If it was addressed to Takapuna it would come to me at the Manse.

8. What letters would go to the box?—Personal letters from other districts—people I have notified that I have a box.

9. Does the Protestant Political Association know you have a box?—No, not so far as I know.

THOMAS ROBERT MACKRELL examined.

1. *Mr. Ostler*.] What is your full name, Mr. Mackrell?—Thomas Robert Mackrell.

2. And your occupation?—I am caretaker of the Bradford Building.

3. That is Smith and Caughey's building in Queen Street?—Yes.

4. Do you in your capacity as caretaker receive letters addressed to members of the staff?—Yes.

5. Can you tell me if you received that letter addressed to Mr. Shackelford?—Yes.

6. When you received it did it have any contents or not?—No contents.

7. Whom did you receive it from?—I cannot say the name of the postman.

8. You received it from a postman?—Yes.

9. What did you do with it when you received it?—I handed it to Mr. Shackelford when he came.

10. Did you have any further connection with it?—No connection. He returned it to the Dead Letter Office.

11. Where is Mr. Shackelford now?—Napier at present. He will be here on Wednesday.

12. Did he take it back to the post-office?—He returned it to the post-office.

13. When that was received did it have that pencil inscription on it?—Yes, sir.

14. By you—when you received it?—Yes.

15. Have a look at it—those words, "Received without contents"?—Quite sure.

16. *Mr. Shackelford* says it was put on afterwards. I want you to be quite sure of it?—It was written in lead-pencil, "No contents."

17. When you first received it?—Yes. I could not swear that is the same, but it was a pencilled mark, "No contents."

18. When you first got it?—Yes.

19. When you received it was the flap in or out?—I could not say, but I think it was the same as now.

Mr. Ostler: That is, with the flap in.

20. *Mr. Gray*.] The address appears to be "Mr. J. W. Shackelford, Elliott Street, Auckland." Where is Elliott Street: is that where these buildings are?—Yes, Bradford Buildings are in Elliott Street.

21. Is Mr. Shackelford on the staff, or a tenant?—A tenant.

22. You handed it to Mr. Shackelford, and you do not know what he did with it afterwards?—I do not know; I did not see what he did with it.

23. Was the flap tucked in like that when you got it?—I believe it was—I could not swear.

Mrs. LAURA FISHER examined.

1. *Mr. Ostler.*] What is your full name, Mrs. Fisher?—Laura Fisher.
2. And you are the wife of Mr. J. W. Fisher?—R. H. Fisher.
3. What does "R.H." stand for?—Robert Henry.
4. And your address is, what?—"Netherton," Dominion Road, Mount Eden.
5. Did you receive that letter addressed to your husband?—Yes.
6. When you received it had it any contents or was it empty?—It was empty.
7. Can you tell the date on which you received it?—No, I could not be sure about that, but I think it was the Tuesday week before the meeting, by morning delivery.
8. The Tuesday week before the meeting would be the 3rd July?—It was not on the Tuesday before the meeting; it was the Tuesday before that.
9. The Tuesday before was the 10th July: the Tuesday before that would be the 3rd. Can you remember whether the flap of the envelope was in or out?—It was out.
10. Just like that?—Yes.
11. What did you do when you received the envelope empty?—Took it down to the house and left it until my husband came home. I looked inside, and there was nothing in it.
12. Did you know from whom the letter came?—No, not at all. I wondered who it was.
13. Did you see the notice, "If unclaimed return to box 912, Auckland"?—Yes, I noticed that.
14. Did you know who the people were that had the use of box 912?—No, I did not know at all.
15. Were you present at the meeting?—No, I did not come to the meeting.
16. Did you know of the meeting before it was held?—No, until we found out.
17. *Mr. Gray.*] Did the letter-carrier hand the letter to you?—No; he put it in the letter-box.
18. Where is the letter-box?—About a hundred yards from the house; but I was near the box.
19. You went and got it out directly he put it in?—Yes; I was about as far as I am from you.
20. Was this the only letter?—No, there were three.
21. There cannot be any possibility of mistake?—No; the flap was out and the envelope was empty.
22. Had the postman got away?—Just as I got up. I could not tell who the postman was. I saw him move from the box when I was about as far as I am from you.
23. Did you notice it was empty?—Yes.
24. Did you or your husband make any complaint about it?—No, I did not.
25. And you never heard of your husband doing so?—No.

HENRY WOODRUFFE examined.

1. *Mr. Ostler.*] What is your full name, Mr. Woodruffe?—Harry Woodruffe.
2. And your occupation?—Carpenter.
3. And your address?—Muritai Road, Takapuna, at present.
4. What was your address in the early part of July?—53 Prospect Terrace, Mount Eden.
5. When did you change to Takapuna?—Only just recently. I am doing work there now, and I shall be living there five weeks.
6. Did you get a circular inviting you to apply for tickets for this Protestant meeting?—No.
7. Did you apply for tickets yourself?—I applied for two tickets.
8. You say you applied for two tickets: how did you apply?—By writing.
9. Was the writing a letter?—I saw the advertisement in the *Herald*, and I immediately applied, and my letter was posted before 9 o'clock at the Mount Eden Post-office, addressed to box 912.
10. Do you remember the date?—Oh, yes; I posted it on the Saturday.
11. What Saturday was that?—The Saturday before the meeting—the Saturday that the advertisement appeared.
12. Very well; we will have to prove on what date the advertisement appeared. Did you write only once?—Yes, only once, asking for two tickets.
13. Did you receive any tickets?—No, I received nothing.
14. Did you attend the meeting?—Yes.
15. How did you get in without tickets?—When I got no tickets I went and called on the Rev. Elliott, and I wanted to know why the tickets were not sent me. "Oh," he said, "you are one of the thousands—one of the many—who have not received tickets"; and in consequence he told me to go and see Mr. Dupree, and I got two tickets.
16. *Mr. Gray.*] Did you post the letter yourself?—I did.
17. At the Mount Eden Post-office, before 9 o'clock?—Yes, before 9 o'clock.
18. In a closed envelope or a post-card?—Mine was in a closed envelope.
19. Addressed, what?—Addressed to the Political Association, box 912, Auckland.
20. Do you know whether or not the Political Association has got this letter?—I do not know, of course.
21. When did you go and complain to the Rev. Elliott?—On the Wednesday.

Mrs. LEILA HARRIETT STAINTON examined.

1. *Mr. Ostler.*] What is your full name, Mrs. Stainton—your Christian name?—Leila Harriett Stainton.
2. And you live, where?—16 Norman Street.
3. Did you receive an envelope similar to that in the early part of July?—I did, on the 3rd July.
4. On the 3rd July?—Yes.

5. Was it addressed to you?—It was addressed to me.
6. Did it have any contents?—It had nothing in.
7. How was the flap—was it open like that or turned in?—Turned out.
8. Like that?—Yes.
9. Did it have a notice on it, "If unclaimed within seven days please return to box 912," like that?—Yes, it did.
10. What did you do in consequence of the receipt of this empty envelope?—I received it amongst a number of other letters, and in the afternoon my daughter spoke to the postman about it.
11. Were you there?—I was there.
12. What was said?—We asked the postman why we had received the empty envelope, and he said, "Oh, I know what was in it. It was about an Orange meeting. I had a number on the round that were empty."
13. What did you do with the envelope, Mrs. Stainton?—I put it in the rubbish-box.
14. You destroyed it?—Yes.
15. *Mr. Gray.*] Did the postman hand it to you yourself in the morning, Mrs. Stainton?—He handed it to my daughter.
16. You did not see it?—Yes, I was close by.
17. You saw it delivered and you are able to state that when it came there it was empty, with the flap turned outwards?—Yes.
18. Did you make any complaint to the Post Office authorities about it?—I only spoke to the postman.
19. What did the postman say?—He said he could tell us what was in it because he had a number on the round that were empty. It was about an Orange meeting.
20. What did you say to that—did you make any remark?—No.
21. You let it go at that?—My daughter made a remark, though.
22. *Mr. Ostler.*] Is your daughter here, Mrs. Stainton?—Yes.

MISS EDNA LEILA MARION STANTON examined.

1. *Mr. Ostler.*] You are the daughter of the last witness?—I am.
2. And you live with her?—Yes.
3. At the address which she gave?—Yes.
4. Did you hear your mother's evidence?—Yes.
5. You could hear all that she said?—Yes.
6. Is it true?—Quite true.
7. *Mr. Gray.*] It was you who spoke to the postman, Miss Stainton?—Yes.
8. What did he say?—He said he had a number on the round, and that he could tell me what was in them.
9. Tell us all he said?—He told us what was in it. He said it was about an Orange Lodge meeting.
10. Did you ask how it came that the letter was delivered empty?—No; he said it was about an Orange Lodge meeting.
11. But you must have asked some question?—I said in the first place, why was it empty?
12. And he said?—Why, he had a number on the round the same.
13. That was not an answer to your question. He said there were a number on the round that were empty?—Yes.
14. Do you know his name?—No.
15. Did you receive the letter in the morning?—With a number of other letters.
16. And did not notice it was empty?—No.
17. *Mr. Ostler.*] Was any one else in the house with you and your mother?—Yes, my sister.
18. What is her name?—Mrs. Lockie.
19. Is she here?—Yes.

MRS. EVA LILIAN WINIFRED LOCKIE examined.

1. *Mr. Ostler.*] What is your full name, Mrs. Lockie?—Eva Lilian Winifred Lockie.
2. And what is the name of your husband?—Charles Joseph Walter Lockie.
3. What is his occupation, Mrs. Lockie?—He is a clerk in the Post-office. He is now on active service.
4. And you live with your mother at the address she has given?—Yes.
5. Did you hear the evidence of your mother?—Yes.
6. Is it true?—Quite true.
7. Were you present at the conversation between the postman and your sister?—Yes.
8. *Mr. Gray.*] Were you there when the letter was delivered in the morning?—Yes.
9. With your sister?—Yes.
10. And you examined the letters when you got them—looked through the bundle?—Yes.
11. How many were there?—Several.
12. Half a dozen?—Maybe, more than that.
13. And did you notice the state in which this letter was?—The flap was out.
14. Then you were with your sister again in the afternoon when the postman called: what did he say?—We took out the envelope to him, and said we could not make out what it was.
15. You knew it was an envelope?—Well, there was nothing in it. It had "Return to box 912." He said he had several on his round like that. We asked, did he know what it contained. He said he had several on his round like that.

16. Was that all?—Yes.

17. You asked him what it contained, and he said he had several on his round?—He said it contained a notice of a meeting of an Orange Lodge.

18. What became of the envelope?—We destroyed it. We did not attach any importance to it.

19. You destroyed it together again?—No; I think my sister did.

THOMAS SMITH examined.

1. *Mr. Ostler.*] What is your full name, Mr. Smith?—Thomas Smith.

2. And your occupation?—Carpenter.

3. And where do you reside?—9 Sunnyside Road, Mount Eden.

4. Did you get an envelope delivered to you somewhat like that in the early part of July?—Yes, something like that.

5. Was it empty?—It was empty.

6. Did it have the words on it, "If unclaimed within seven days please return to box 912, Auckland"?—Yes.

7. Can you give us the date upon which you got it?—The 3rd July.

8. It was empty when you got it: how was the flap?—It was out like that.

9. What did you do with the envelope?—I put it in my pocket till Wednesday night, and I gave it to my daughter, and she took it down—

10. We will not go any further than that. Is your daughter here?—Yes.

11. *Mr. Gray.*] Have you ever made any complaint about this, Mr. Smith, to the Post Office?—I had nothing more to do with it after that.

12. Have you made any complaint to the Post Office at all after that?—Yes, on the Thursday.

13. What did you say?—I did not see any one; my daughter took it.

14. How did you get the envelope in the first instance—from the letter-carrier?—It was put in the letter-box in the door.

MISS LAVINIA SMITH examined.

1. *Mr. Ostler.*] Your name is Lavinia Smith?—Yes.

2. You are a daughter of the last witness?—Yes.

3. And you live with him at the address he gave?—Yes.

4. Your father has told us that he received an empty envelope: were you there when he received it?—No, I was not; my sister was there.

5. What is her Christian name?—Nellie.

6. Did your father hand the empty envelope to you?—I certainly had a look at it. We talked about it. My sister told me.

7. Do not tell us what your sister said. You talked about it with your father and sister. What did you do with the empty envelope?—I took it down and inquired at the Letter-carriers' Inquiry Office.

8. The Letter-carriers' Inquiry Office at the General Post-office?—Yes.

9. On Thursday at lunch-time?—Yes.

10. What was said to you?—A young man came to me at first, and I said, "We have received an empty envelope on Tuesday morning," and I then said, "I have come to see if you can give me any explanation in regard to it." He looked at it and he said, "It is funny; there must be a mistake somewhere." I said, "Well, the name and address are quite all right." Then he did not say anything more. Then an elderly gentleman came up, and he referred the matter to him. He also looked at the envelope, and he said, "Nothing in it?" I said, "No, it came like that." He said he could not understand it. He said, "Were you expecting anything?" I said, "No; the matter may not be of much importance, but we thought there was no harm in coming down to see if they could give us an explanation of the envelope being empty." He went away—the elderly gentleman—for a few moments, and he came back and said it was against the rules to state who the owner of the box was. I said, "So I understand: I did not ask for that"; but I said, "Could you advise me what would be the best thing to do?" So he said the only thing he could advise me to do was to send it back in another envelope and for me to state on a note, "Received envelope but no contents"; and while he was doing that he wrote on the back of the envelope, "Unsealed, no contents," with a private mark underneath in red ink.

11. What do you mean by a private mark in red ink—his initials?—I do not know.

12. What were the words?—"Unsealed, no contents."

13. Did he hand the envelope back to you?—Yes, he did.

14. What then did you do with it?—I took it home and told my father that the gentleman said what he thought.

15. You told your father what you had been told, no doubt?—Yes.

16. What did you do then?—My father wrote the note, put it in an envelope—the empty envelope as well—sealed it up, and addressed it to box 912, Auckland.

17. You posted it?—I posted it.

18. You are quite sure?—Yes, my sister was with me. I missed one thing out. I also asked the gentleman if it was posted that night would they get it in the morning.

19. What was the reply to that?—He said, "Yes."

20. Well, then, you posted it the same night after you had seen him?—Yes.

21. That is to say, on Thursday night?—Yes.

22. That would be the 5th July?—The 5th July.

23. Did you know—I presume you did not know—who were the people who were using box 912?—No, I did not know then.

24. When did you first become aware?—On Sunday.

25. *Mr. Gray.*] Well, it amounts to this, Miss Smith: that when you complained to the officer at the post-office he very properly did not give any information about who the holder of box 912 was, but recommended you to send the envelope back to that box, which you did?—Yes.

26. Where did you post the envelope containing this envelope?—Wynyard Road collection-box.

27. Is that a pillar box?—Yes.

Miss NELLIE SMITH examined.

1. *Mr. Ostler.*] Your full name, Miss Smith?—Nellie Smith.

2. You are a sister of the last witness?—Yes.

3. And the daughter of the witness before last?—Yes.

4. Were you present when your father received this empty envelope?—I received the envelope on Tuesday morning, the 3rd July.

5. Was the flap in or out when you received it?—Out.

6. Did you or did you not go with your sister when she went down to inquire about it on the following Thursday?—I did not go.

7. Were you present when she posted that envelope back?—Yes, I was with her.

8. Is her evidence correct on that point?—Quite correct.

Mr. Gray: No questions.

HENRY SYDNEY BILBY re-examined.

1. *Mr. Ostler.*] I understand that complaints were made to you about some of these letters being received empty?—Yes.

2. In consequence of those complaints did you see any official of the Post Office at all?—No.

3. Not even a postman?—No.

4. Did you have a conversation with a postman about it?—I do not quite get what you are inquiring about.

5. Did you have any talk with any postman when you heard the complaints of letters being received empty?—I met a postman in Karangahape Road, and asked whether he had any letters for me—I met him on the way going to town—and he said, “Yes.” I said, by way of a joke, “I suppose it is not empty?” and he said, “No, I don’t think so.” I said, “By the way, did you deliver any of those empty envelopes?” He said, “Yes, I had some on my round.” I said, “Whom did you deliver them to?” He said, “It is not advisable to say anything about it.”

6. Were you by yourself at the time?—Yes.

7. Can you tell us about the date you had that conversation?—About three days after the meeting.

8. After Mr. Elliott had made the charges at the meeting?—That is so.

9. We have just heard from Miss Lavinia Smith that she posted a letter addressed to box 912, containing one of these empty envelopes and a notice that it was received without any contents. Did you ever get that letter?—No.

10. You never got it?—No.

11. Do you remember posting a letter to Mr. David Goldie, Pitt Street?—Yes.

12. On what date did you post that?—It was posted the same night as the ministers’ platform notices.

13. What did that letter contain?—It contained platform tickets for the meeting.

14. You are quite sure you posted that letter?—I am certain about it.

15. Did you post a letter to Mr. G. Henderson, Bank of Australasia, Queen Street, City?—I could not say that I posted one. If it was on the list handed to me. I did not keep a number; there were odd lists handed in.

16. You have the lists handed in?—The rough lists, yes.

His Worship: Is that list handed in, Mr. Ostler, made up from the rough lists?

Mr. Ostler: These are the rough lists.

Mr. Gray: How is this gentleman able to say that he posted a letter to any particular person on the list?

His Worship: Is that list compiled from those rough lists?

Mr. Gray: I think your Worship is referring to a list put in this morning.

Mr. Ostler: Perhaps your Worship will get that information from Mr. Bilby, where he got that list from, because he gave me that list and I gave it to my friend. Mr. Elliott checked the ministers from Brett’s Almanac to enable a notice to be sent to them.

17. *Mr. Ostler.*] My friend has said, how could you tell you posted a letter to every person whose name is on your list? As a matter of fact, did you post a letter to every person whose name is on the list?—Yes; the lists were checked as we went through.

18. *Mr. Gray.*] By whom?—By those who were addressing. As they were addressing the envelopes they checked the name so as not to duplicate.

19. *Mr. Ostler.*] Take that list: what do those marks signify?—That letters have been sent to those people.

Mr. Gray: Yes, addressed perhaps.

20. *Mr. Ostler.*] That was carried right through. Here is one taken at random. Every tick represents the checking of an envelope being addressed to those persons?—Yes.

21. Can you tell me without reference to your lists whether you addressed a letter to Mr. G. Henderson, Bank of Australasia, Queen Street, City?—No, I cannot.

22. Well, look at that: whose handwriting is that?—My wife’s.

23. Looking at that letter, is that one of the letters sent out by you?—That is one sent out.

24. Addressed to Mr. G. Henderson, Bank of Australasia, Queen Street, City?—Yes.

25. Can you tell when that was posted?—The system we adopted was—the people applied for tickets, it came to us, and then we put the number of tickets that had to be sent. These were admission tickets, different from the other tickets. We addressed the envelopes and forwarded them to Mr. Dupree, who had the tickets. This envelope was not addressed by me.

Mr. Ostler: Perhaps Mr. Williamson can tell us from the postmark when that was first posted: was it the 10th July?

Mr. Williamson: Part of the envelope is missing. It has carried away one of the dates with it.

26. *Mr. Ostler.*] What is that date [cancellation of postage-due stamp]?—The 10th July. It was the date the amount was paid.

Mr. Gray: Posted without a stamp.

27. *Mr. Ostler.*] Apparently posted without a stamp, or the stamp has come off. We have it admitted that this letter must have been posted on or before the 10th July. Did you post a ticket to Mr. Woodruffe, the gentleman who said he did not receive tickets a little while ago?—No, there were no tickets posted to him. Mr. Dupree had charge of the tickets: he will be able to say.

28. He had charge of the tickets?—Yes.

29. Did you receive any letter from a Mrs. Mary Irvine, of Otahuhu, asking for tickets?—No.

30. *Mr. Gray.*] I gather from you, Mr. Bilby, that two persons whose names have been mentioned—it is suggested that they applied to you for tickets and you did not get the letters. Who use box 912?—The Orange Lodge and the Political Association. During the time of the meeting the keys were handed to me on account of the association using it more than the lodge.

31. During the time of the meeting—how long?—For a fortnight.

32. How long were you in exclusive possession of the keys of that box?—Almost three weeks.

33. From what date?—I could not tell the exact date—almost a fortnight before the meeting on the 11th July.

34. Before that who had keys?—The secretary of the Orange Lodge.

35. Does the secretary of the Protestant Political Association have a key?—I am the secretary.

36. Did you have a key, as well as the secretary of the Orange Lodge, before the beginning of July?—

37. *Mr. Ostler.*] Before about a fortnight before?—No; we were not using the box.

38. *Mr. Gray.*] You were not using the box until you called this meeting for the 11th July, and then you had keys for some time?—Yes.

39. Do you know a body called the Vigilance Committee?—I know of them.

40. How long have you known of them?—Probably nine or ten months—probably longer. I could not say definitely.

41. Do you belong to it?—No.

42. Have you any association with it?—Some indirect association.

43. Do they have any keys?—Yes.

44. How long have they been using it?—Some nine or ten months, according to the pamphlet.

45. Do you know whether any member of that committee has a key of that box?—I cannot say.

46. And you cannot say who besides yourself had a key of that box from about the beginning of July?—I do not know.

Mr. Ostler: Does the Post Office issue duplicates?

Mr. Gray: I do not know. We know duplicates are made.

47. *Mr. Gray.*] With regard to your conversation with the postman you met in Karangahape Road, do you know his name?—No, I do not know his name.

48. What day did you have the conversation with him?—I said, about three days after the meeting.

49. About the 14th July. By that time you had heard of complaints about people who had not received letters or had received empty envelopes?—

Mr. Ostler: The charges had been made publicly.

50. *Mr. Gray.*] Did you as secretary of the association ever take any steps to investigate the matter?—No.

51. Did you ever place yourself in communication with the Chief Postmaster or anybody in authority?—No. The reason why was simply because the Postmaster had placed himself in communication with Mr. Elliott.

52. And all the postman would say was that he declined to say who the persons were he delivered empty envelopes to?—Yes.

53. You say that the persons named on the lists here received empty letters or had letters posted to them: did you address any?—Yes, I addressed some.

54. How many?—I might have addressed two hundred.

55. Then 2,300 you did not address. Did you check the addresses of these 2,500 with any lists?—No.

56. Then there was no check?—No.

57. Your only reason for saying the persons whose names are on those draft lists, those rough lists, were posted circulars is that ticks have been made by persons—you do not know who?—Yes, I know who.

58. How many persons were engaged in checking?—Each person was given a list to address these envelopes; as they addressed them they ticked the list.

59. Did you see it done?—I was in the room.

60. That does not carry it much further, you see. There was some interval after that; the letters were put somewhere to be stamped?—They were put into a box.

Miss HILDA PHILLIPS examined.

1. *Mr. Ostler.*] What is your Christian name, Miss Phillips?—Hilda Phillips.
2. Your postal address?—28 Croydon Road.
3. You are helping Mrs. B. Smith?—Yes.
4. I understand she is recently out of hospital and not very well?—Yes.
5. Were you present when an empty envelope was received addressed to Mr. Smith?—Yes.
6. Was it somewhat similar to that—of that shape?—Oh, yes, exactly.
7. Did it have on it the words, “If unclaimed within seven days please return to box 912, Auckland”?—Yes.
8. Was the flap in or out?—It was out.
9. *Mr. Gray.*] Where did you get it from, Miss Phillips?—From the postman.
10. At the door?—Yes.
11. He called at the house?—Yes.
12. You were at the door and he handed you the letter, did he?—Yes.
13. Did you draw his attention to the fact that the flap was out and the envelope empty?—I never said anything to him. He said, “Is this Mr. B. Smith’s”? There was no number on the envelope.
14. And you took the letter: that was the only one?—Yes.
15. You might have seen at once that the flap was out and the envelope empty?—I never bothered; I took it to Mrs. Smith.
16. After that you did not see it again, I suppose?—Yes.
17. After Mr. Smith came home?—Yes.
18. I want to know what became of it?—I had it on the mantel-shelf several days, and then I burnt it.
19. The same man called for some weeks and is still calling?—No.
20. He called for some weeks—some days?—Yes.
21. You never mentioned it to him?—No.

Rev. HOWARD LESLIE ELLIOTT examined.

1. *Mr. Ostler.*] Your full name is?—Howard Leslie Elliott.
2. You are a Baptist minister?—A Baptist minister, residing in Wynyard Road, Mount Eden.
3. I understand, Mr. Elliott, you are one of the Committee of Vigilance, which had the use of this box 912?—Yes.
4. Were you one of those responsible for the issue of this pamphlet, “Rome’s Hideous Guilt in the European Carnage”?—Yes.
5. How many thousands did you circulate?—Twenty-five.
6. Twenty-five thousand. Did any results follow from the publication of the pamphlet?—Very loud objection was taken in certain directions by some members of the community, and resolutions were passed in certain meetings asking that the distribution should be stopped; and it was also submitted to the Attorney-General asking that he should prosecute.
- Mr. Gray:* Is this gentleman speaking of something he knows from his own knowledge?
- Witness:* Those facts are all within my own knowledge.
7. *Mr. Ostler.*] Where did the wording of the pamphlet come from originally?—It was a reprint from the well-known paper published in St. Paul’s Churchyard, London, the *Churchman’s Magazine*, by Mr. John Kensit; he is the editor.
8. There is a little bit of local stuff—apart from that it is merely a reprint?—Merely a reprint entirely. That reprint appeared in Australian and Canadian papers as well as being reprinted here.
9. Did the police take any action?—I can only say from report.
10. In consequence of the pressure brought to bear on the Attorney-General to prosecute you what did you do?—We at once got the various lodges and the Protestant bodies in New Zealand to make protest against such action; and subsequently I saw the Attorney-General in reference to the matter.
11. Can you tell us somewhere about the date of your interview with the Attorney-General?—It would be, I think, about the middle of June; it would be earlier—in April.
12. What was the effect of your interview with the Attorney-General?—The Attorney-General said there was nothing calling for action in the pamphlet—that we were within our rights as citizens to make comment upon matters of history and of politics in the fashion we had done.
13. When did you first ascertain that box 912 was placed under censorship?—About the beginning of April in this year.
14. Did you take any action?—When we had evidence from private correspondence that the box was under censorship, and that orders for these pamphlets were being stopped, together with money-orders, and not returned to the senders, who in consequence made inquiries asking why we had not kept faith with them, we had to report the fact that the box was under censorship, and then to test the aim of the censorship we posted a number of letters addressed to the box, which were exclusively dealing with matters relating to the Roman Catholic Church, to find out the scope of the censorship and the object and intention of it.
15. Who posted the letters?—I did.
16. How many?—Four.
17. On what date?—On the 10th April.
18. At what post-office?—At the corner of Dominion Road and View Road.
19. What is that—a posting-box?—A posting-box.
20. Were they all posted at the same time?—Yes.

21. Are those copies of the four letters?—Yes, they are copies.
22. [Letter produced, exhibit M.] Was that delivered?—Yes, that one was delivered.
23. [Letter produced, exhibit N.] Was that delivered?—No.
24. [Letter produced, exhibit O.] Was that delivered?—No.
25. [Letter produced, exhibit P.] Was that delivered?—No.
26. Only one of those four was delivered?—Yes.
27. Did you make any protest to the Government about the censoring of your letters to that box?—We made protest to the Postmaster-General, who answered, replying that the censorship was not under the control of the Postmaster-General.
28. *Mr. Gray.*] Have you got the letters?—Yes, we have the letters.
29. *Mr. Ostler.*] Perhaps we will have an opportunity of getting those letters and putting them in later, Mr. Gray. (To witness): The reply of the Postmaster-General was that it was not under his jurisdiction: whom did he ask you to apply to?—The military authorities.
30. The military authorities or the Minister of Defence?—The Minister of Defence.
31. Was any letter written to the Minister of Defence?—A letter was written.
32. Did he reply?—He replied that citizens must of necessity suffer some inconvenience at such times.
33. In addition to the letters which you posted yourself, do you know of any other letters which were posted to the Vigilance Committee and not received?—Yes; there was a letter from Mr. C. R. N. Mackie, who stated he posted one in June last.
- Mr. Gray:* How does this witness know they were posted?
- Mr. Ostler:* Mr. Mackie is down in Greymouth; you do not expect—
- Mr. Gray:* Yes; I am not going to submit to that kind of evidence.
- Mr. Ostler:* I am going to ask that either Mr. Mackie's letters be admitted, or else he be called. I will show them to my friend; that is the first of them.
- Mr. Gray:* I do not object to this, sir. It is a letter from Mr. Mackie saying that he wrote to this box and did not receive a reply.
- Mr. Ostler:* There is another letter from a man of the same name—spelt James McKay—to the same effect.
- Mr. Gray:* Yes.
- Mr. Ostler:* There is another from Waihi to the same effect. There is another from Christchurch to the same effect. What I propose, with my friend's consent, is to put those letters in. If my friend thinks it of sufficient importance—it is hardly feasible to get these men up here from all over the colony—one at Greymouth, one at Christchurch.
- Mr. Gray:* I cannot object to the witness saying he received these four complaints.
- Mr. Ostler:* Very well, I will read them.
- Mr. Gray:* I only said I consented to the letters being produced to show he received complaints. I admit four letters of complaint were received.
- Mr. Ostler* read letter from C. R. N. Mackie, Christchurch.
34. *Mr. Ostler.*] You received that. Did you receive any former letter from him asking for copies?—No.
35. Did you receive this letter from Mr. E. Perreau, Christchurch?—Yes; it was handed to me by Mr. Bilby.
36. Did you receive any letter prior to that from Mr. Perreau?—No.
37. Did you receive a letter from Mr. G. Hall, Waihi [read]?—I received that letter.
38. Did you receive any former letter with six stamps?—No.
39. Did you receive this letter, dated the 20th March, 1917, to box 912, Auckland, from James McKay, Greymouth [read]?—That letter was handed to me by Mr. Seabrook.
40. Did you receive any prior letter enclosing a 5s. postal note and requesting some literature on the advancement of the R.C. movement?—No.
41. Did you receive a letter from John A. Merson, Kaikokopu Road, Aramoho, to this effect [read]?—No, I did not receive that letter. I received that copy.
42. How did this copy come to you?—The copy came to the care of Mr. Bilby at his private house. This was a letter put in to test the fealty of the Post Office in receiving letters.
43. Where was it addressed to?—Box 912, Post-office, Auckland.
44. Did it come through?—No.
45. Have you recently posted any further letters?—Yes.
46. When did you last post letters addressed to the box?—Posted four letters on Sunday night.
47. On Sunday night, the 11th August?—Yes.
48. Are those copies of the letters you posted?—Yes, these are copies.
49. Did they all come to hand?—All came.
50. These letters—one of the first says, "Dear sir, Can you inform me whether Father O'Doherty—"
- Mr. Gray:* Is it necessary to read them aloud? These letters are admittedly bogus letters, prepared by this gentleman as a sort of trap.
- Mr. Ostler:* I want to show that not one of these letters deals with military matters.
- His Worship,* after reading the letters, said he did not think it was desirable that they should be read aloud.
- Mr. Ostler:* I bow to your ruling. I want the public, however, to know that not one of these letters contained one word referring to the war.
- Mr. Gray:* I cannot understand your complaint. I thought the witness said those letters came through.
- Mr. Ostler:* If these came through it was wrong to stop the others.

Mr. Gray: Were these marked "Passed by the Military Censor"?

Mr. Ostler: Yes.

Mr. Gray: Just so.

Mr. Ostler: I do not see why you say "Just so." My point is that the Censor is not consistent with himself. If he passed these letters after complaint was made it was wrong not to pass them before.

His Worship: I think it very undesirable indeed that they should be made public, as they do not relate to facts or alleged facts. The term "bogus" was made use of just now.

Mr. Gray: By me.

His Worship: Are these manufactured letters?

Witness: They are letters framed on certain reports that have been received from various sources. That first letter which was objected to is a letter which contains, if not the whole of the facts, some of the facts relating to Father Doherty.

Mr. Gray: The point is this: is this a genuine letter from a correspondent to this witness, or is it a letter from himself addressed to himself?

His Worship: I have already given an assurance they do not refer to military matters. I understand your point is, Mr. Ostler, you wish to show that there has been differentiation of treatment—these letters have been censored and passed on when other similar letters have not been passed.

51. *Mr. Ostler.*] Were you present, Mr. Elliott, during the operations that resulted in these 2,000-odd letters being posted?—Yes.

52. And also the letters to Nonconformist clergymen?—No, except to draft off a list of ministers of religion and to ask the committee to attend to them.

His Worship remarked that "Nonconformist" was a term that was inapplicable in New Zealand, as there was no established Church.

53. *Mr. Ostler.*] Mr. Elliott, you were present during the operations of the persons who prepared those 2,000-odd letters for the post?—Yes, most of them.

54. How many people were there?—They worked in teams of six and eight in relays.

55. Were you present when those letters were stamped by Mr. Bilby and Mr. Keyworth?—Yes, for the most part; and I gave them very particular instructions in regard to the stamping, owing to my knowledge of tampering with letters in the United States when Protestant interests were concerned. I instructed every member of the committee to be particular to see that all envelopes were filled; and I was there for that very purpose, to exercise supervision and to see that all envelopes were properly closed and stamped, and the committee, the whole time they worked, worked with that constantly before them. That was the object of my being present—not to do the work so much as to see that the work was done—to avoid any complications should any circumstances arise as have arisen.

56. Of the witnesses that have been called here to-day to prove that they received their envelopes empty, did you personally see any one of those particular envelopes filled?—I filled the envelope of Mr. H. Symons myself.

57. Was anything said at the time you filled it?—I remarked that I was glad to see his envelope because I knew him, and he was the editor of the *Eden Gazette*, and as a newspaper man was glad he was to be invited.

58. You filled it yourself?—Yes.

AUCKLAND, SATURDAY, 18TH AUGUST, 1917.

Mr. Ostler: Before my friend proceeds with the cross-examination of Mr. Elliott might I interpolate one witness—Mrs. Stuart—a very short witness, whose daughter is ill and who desires to get away. Have you any objection, Mr. Gray?

Mr. Gray: Not at all.

MRS. ELLEN MATILDA STUART examined.

1. *Mr. Ostler.*] What is your full name, Mrs. Stuart?—Ellen Matilda Stuart.
2. Where do you live?—Point Street, Mount Eden.
3. Did you get an envelope somewhat similar to that sent to you through the post in the early part of July?—I did.
4. Did it have on it, "If unclaimed within seven days please return to box 912, Auckland"?—No.
5. Did it have anything in it?—No, it was empty.
6. How was the flap—in or out?—Inside.
7. The flap was turned in?—Yes.
8. Can you tell us the date on which you got it?—Well, sir, my memory is not good—either Saturday or Monday before Mr. Elliott's meeting.
9. What did you do with it, Mrs. Stuart?—I took it in and put it on the mantelpiece, and when the postman came again I told him I got the letter with nothing in it—I thought some one had taken it out. He said, "Oh, no one has taken it out: there was nothing put in. It was something to do with the Orangemen. I have delivered a number of them to-day." So I took it and put it on the mantelpiece. I kept it till the evening to show my daughter, who is present.
10. What did you do with the envelope afterwards?—I tore it up; I thought it was no use.

11. *Mr. Gray.*] Do you know the letter-carrier's name, Mrs. Stuart?—No, I do not know his name.

12. Is he the man who was in the habit of delivering letters at your house?—Yes.

13. Would you mind telling me again what he said when you suggested something had been taken out?—I said I had a letter I thought something had been taken out of. He said, "No one has taken it out. It is something to do with the Orangemen. I have delivered a number of them." And, sir, I did not know anything about tickets being issued for the meeting, so I put it on the mantelpiece.

14. He said it had not been taken out?—He said, "No one has taken it out. I have delivered a number of them to-day."

15. And you understood he meant a number of envelopes similar to yours?—Yes, I thought he meant that.

16. *Mr. Ostler.*] Can I ask one question that did not arise out of the cross-examination. Mrs. Stuart, did a detective subsequently wait on you?—No, sir, a gentleman came, but I do not know who he was.

17. Did he say whether he came from the Post Office or not?—No, sir, he did not say who he was or what was his name.

18. What was his business?—I do not know what was his business. He asked me if I received an open envelope. I said "Yes," the same as I told you. He went away and said nothing.

Mr. Ostler.: Was that a Postal official, Mr. Gray? Perhaps Mr. Williamson can tell you?

Mr. Gray.: Yes.

19. *Mr. Gray.*] Then this inquiry was made by somebody you did not know, just to ask whether you received an empty envelope, and you told him just what you have told His Worship?—Yes.

Rev. HOWARD LESLIE ELLIOTT further examined.

1. *Mr. Ostler.*] Mr. Elliott, do you know of your own knowledge or not of an attempt having been made by a Catholic organization to stop anti-Catholic literature going through the post?—Yes.

Mr. Gray.: Well, sir, how is that relevant?

Mr. Ostler.: I am saying this censorship is established in the interests of the Roman Catholic Church.

Mr. Gray.: Pretty far-fetched.

His Worship.: Put the question again.

Mr. Ostler.: I asked him whether he knew of his own knowledge of any attempt to stop anti-Catholic literature going through the post.

His Worship. ruled that the reason for the contention could be given.

Witness.: Yes, on their own statements as appearing in the Press from the Roman Catholic Federation.

Mr. Ostler.: An admission by the Roman Catholics themselves that they have stopped *The Menace* [paper put in].

His Worship.: What paper is it out of?

Mr. Ostler.: The *Auckland Herald*, 20th May, 1914.

Mr. Gray.: Before the war.

His Worship.: I do not see any objection, Mr. Gray. It can go in for what it is worth.

Mr. Gray. read the first sentence, and *Mr. Ostler* emphasized the words "assails the Catholic Church."

2. *Mr. Gray.*] Mr. Elliott, you describe yourself as a Baptist Minister. Have you a charge?—No, I have not a charge.

3. How long is it since you had a charge?—Since the end of June.

4. This year?—Yes.

5. How came you to give it up?—I accepted appointment as national organizer and lecturer for the Protestant Political Association.

6. Quite so; you are the paid lecturer, I suppose, of the Protestant Political Association, about whose objects we heard something yesterday. You are engaged now, I think, in a sort of lecturing tour throughout New Zealand, with a view of establishing branches of that association and disseminating your association's and your own personal views?—My association's views.

7. And your personal views, I suppose?—No.

8. Then, may I say that everything you say on the public platform represents the views of the Protestant Political Association?—I am the representative of the Protestant Political Association.

9. May we take it that all you say on the public platform represents the views of the body of which you are the paid servant?—You cannot dissociate me from the office I hold, and what I say I say in a representative capacity.

10. Do we take it that your association is to be held responsible for your utterances?—My association must be responsible for my utterances.

11. You have already delivered a number of lectures in the North Island of New Zealand?—Under what auspices?

12. Either on your own account or on behalf of the association, I suppose?—In view of your previous question you must distinguish.

13. I am unable to do that. You have, as a matter of fact, delivered a number of lectures in public on the propaganda?—No; in the North Island only two addresses.

14. Two addresses—where?—At Auckland and Wanganui: Auckland on the 11th July. Wanganui just a little later—I cannot recollect the date without looking for it.

15. Did you deliver a lecture at Hamilton at the end of February?—Yes; but that lecture in Hamilton was a lecture I delivered myself.

16. Very well; I do not care whether it was on your own account or not. You certainly delivered a lecture in Hamilton, and you have delivered lectures in other places?—Yes, at Eltham and Stratford, and Dunedin, and Wellington.

17. Anywhere else?—Yes, here in Auckland, of course. I have delivered Sunday evening lectures on the subject.

18. But the lectures I spoke of were delivered in public halls?—Yes, and were the same I delivered in my church.

19. Not on Sunday evenings?—Not on Sunday evenings.

20. Now, I think that the lecture you delivered in Hamilton at the end of February led to some disturbance?—Yes, it led to a disturbance because the Roman Catholic Church organized the disturbance.

Mr. Gray objected that he was not asking for reasons, and *His Worship* upheld the objection.

21. *Mr. Gray.*] In point of fact the lecture in Hamilton ended in what may vulgarly be called a row?—Yes; it commenced in a row.

22. Here is a short account of it published in the *Auckland Star*, 28th February, which you probably read?—Yes, supplied by a Roman Catholic.

Mr. Gray objected on the ground that such matters should be left to Mr. Elliott's counsel to bring out if desired, and *His Worship* upheld the objection.

23. *Mr. Gray.*] Is that a correct account in the *Star* of the 28th February?—No, it is not; it is twisted in the extreme.

24. Now let me read this to you, and will you say in what respect it is incorrect?—Will you allow me to refer to a correct report?

25. That, of course, refers to the *Free Press*?—This is from the *Waikato Times*.

26. Is this correct? "Angry scenes were witnessed in the Theatre Royal last night at a lecture on 'What caused the War?' by the Rev. Howard Elliott under the auspices of the Orange Lodge. The speaker was subjected to interruption throughout, and was frequently 'counted out.' His remarks were at times bitterly resented by a section of the audience. At an early stage of the meeting a protest was lodged by a member of the audience against Mr. Bollard, M.P., taking the chair, as the proceedings were construed as an insult to a large number of his constituents. Mr. Bollard explained that the meeting was a public one, and if any did not like it they could leave. A strong body of police was present, and at the request of the lecturer several members of the audience were removed." Anything incorrect in that?—Nothing incorrect, except what is left out.

27. So far that is correct, subject to omissions of something which might have been put in. "Mr. Elliott sought to show that Roman Catholic influence was against the Allies, as a chastisement to France, for the restoration of the Pope's temporal power, and for the overthrow of Protestant England. His declaration that the responsibility for the war rested on the Pope, who sought world dominion, met with a storm of indignant dissent."

Witness: The storm of indignant dissent came from forty men who were sent there for the purpose. The rest of the audience were absolutely in accord.

28. *Mr. Gray.*] "The speaker retorted that these interruptions would serve to stir up Protestant sentiment in Hamilton, to which there were cries of 'Is that what you have come here for?' The speaker's remarks as to the action of the Pope in regard to Cardinal Mercier, Nurse Cavell, and the sinking of the 'Lusitania' evoked a storm of protest, which was renewed when he described a Minister of the Crown in a sister colony as a 'rotten traitor.'" Did you use that expression?—Yes, I did.

29. "Mr. Elliott was frequently told that he would be better in the trenches than endeavouring to stir up religious strife, and the police were called on to arrest him under the War Regulations. A motion urging on the Minister of Defence the grave necessity for impartial administration of the Defence Act in regard to clergymen was put to the meeting, but, owing to the large volume of 'Ayes' and 'Noes,' the chairman made no declaration."

Witness: That is distinctly untrue. It is only one of the—

30. *Mr. Gray.*] Very well, that is the first statement incorrect; the rest you say is correct. "A man in the audience asked Mr. Elliott if he was aware that out of a hundred members of the Hamilton Catholic Club no less than eighty-three were serving with the colours. The lecturer replied that if this was a fact it was a unique record for the Empire." Correct?—No; I said it was a unique record for a Roman Catholic institution.

31. Very well, I accept your correction. "At the conclusion of the meeting an angry crowd waited for the lecturer outside the theatre, and followed him along the main street, but a strong police escort shielded him from bodily harm, and he drove off in a motor." Is that true?—No; I was not escorted by the police to a motor-car.

32. And there was no angry interruption or scene outside?—There was an angry scene.

33. Very well; except that you say you were not escorted to your motor-car, and that you substitute "Roman Catholic Club" for "Empire," this report is substantially correct?—No; it is a report that is wholly incorrect in that it is written to convey a wrong impression.

34. Well, you say that something has been left out?—No; I say that everything is twisted.

35. Do you dissent from the actual statements?—No.

36. Did that display and lecture of yours at Hamilton cause the *Auckland Star* to deal with you somewhat trenchantly a day or two later?—Yes, on that report.

37. You read the Press, of course, and you read all it has to say about yourself and your doings?—Yes.

38. No doubt, then, you read the leading article in the *Auckland Star* of Thursday, 1st March?—Yes.

39. Perhaps you will recollect that the editor began his remarks thus—the article is headed “Religious Strife”: “To stir up religious strife is a serious offence against society at any time. Where all men are free to worship according to their beliefs they should be equally free from attacks prompted by a bigotry and intolerance utterly alien to that spirit of religious liberty which gave inspiration to Protestantism, and which forms the essence, the very soul, of the British Constitution.” Do you agree?—You are not going to ask me to agree with those.

40. “It is particularly serious at a time like this, when the nation and the Empire is fighting for its life. Not only the safety of the community, but the respect that is due to both dead and living soldiers and their relatives, demands that men shall sink their religious differences as deep as possible. If only because all denominations are represented in the Army, and the law of conscription is being enforced against all classes in the community, the convictions and feelings of all should be carefully respected. Since the duty of avoiding offence of this kind lies upon the layman, it lies much more heavily upon the clergyman, whose duty in this, as in all things, is to set an example. We regret exceedingly that the Rev. Howard Elliott”——

Mr. Ostler: What are you reading the article for? You are not asking a question.

His Worship: Mr. Gray is asking whether he agreed to the sentiments.

Mr. Gray: Yes, I was; and if this is not the way the Press and community are dealing with him and his utterances.

41. *Mr. Gray:* Do you recollect that after commenting upon your theory of the cause of the war, supported by your pamphlet “Rome’s Hideous Guilt,” the paper went on to say this?—Excuse me—not my pamphlet.

42. The pamphlet for which you were responsible?—Not for which I was responsible.

43. You told my friend?—Not me personally—my committee. Let me get that clear, please.

44. Let me quote your words: “I am one of those responsible for the pamphlet ‘Rome’s Hideous Guilt in the European Carnage’”?—It is not a matter of shedding responsibility, but there are certain other gentlemen who deserve credit in connection with this matter.

45. Very well; you accept part of the responsibility. Do you recollect that article winding up with these words: “We hope this public attempt to stir up strife between Roman Catholics and Protestants will cease at once. If this is not done voluntarily, it would be a proper thing for the Government to take action under the War Regulations if it has power to do so. The circulation through the post of the leaflet to which we have referred should be stopped. The leaflet is distributed by some one whose only address is a box at the Auckland Post-office. At a time like this it is no part of the work of the Post Office to carry violent literature subversive of public amity, and even order.” Now, you know that is one of the results of your lecture at Hamilton?—Why do you go on to quote from that article?

46. Excuse me, I am not here to be cross-examined. You admit that is one of the results of your utterances in Hamilton: that is the way the Press dealt with them?—There are quite a number of others——

47. Now, you lectured before or after that at Taranaki?—After that.

48. Was this your first public utterance outside your church?—Yes, except that I lectured last October at Dunedin in the theatre there.

49. Did you lecture first in Eltham or Stratford?—At Eltham.

50. You know, of course, that your public utterances were criticized by the Press in Taranaki?—Yes, in the same way.

51. Do you recollect this article from the *Taranaki Herald*?—I did not see that article.

52. May I suggest that this is one of the results of your public utterances: “There is much indignation in certain parts of the Taranaki District at the present moment in consequence of lectures that have been delivered by the Rev. Howard Elliott on the alleged relationship of the Roman Catholic Church to the existing terrible world war. The lectures were preceded by the free distribution of a scurrilous pamphlet.” What was that—“Rome’s Hideous Guilt in the European Carnage”?—I have not any idea. I did not distribute a scurrilous pamphlet.

53. What pamphlet did you distribute?—I distributed the pamphlet “Rome’s Hideous Guilt in the European Carnage.”

54. “—— purporting to be issued by a Vigilance Committee, but whether there is any connection between the lecturer and the pamphlet propaganda does not appear to be clear. We have seen one of these pamphlets, and certainly it invites the attention of the authorities, its purpose and effect necessarily being mischievous at a moment like the present. One of its statements, for example, is that ‘Germany is being made the scapegoat for an equally guilty party—Rome.’” Then, after some further remarks, they quote from the *Eltham Argus*, which says, “From our own little community of Eltham the sons of Anglicans and the sons of Roman Catholics have gone forth like brothers, fought side by side and made the supreme sacrifice for us. Because he belonged to this or that religion do we think any the less of a lad who has fought and died for us? Have we not equal sympathy for those parents in our midst (whatever their creed) who have lost their sons? Is there a creature in human shape amongst us who would withhold sympathy for the suffering because of creed? We think not. And yet at this particular time, when the world is in the throes of bitter agony, when all creeds alike are suffering and sending up to heaven their prayers for peace and tranquillity, a gentleman with the prefix of ‘Reverend’ thinks it a fitting opportunity to come upon the platform and deliver an address in which he attributes all the horrors of the war to one particular Church”?—That is a wrong statement.

55. It may be a wrong deduction?—It is a wrong statement, not a wrong deduction.

56. Possibly. At any rate, it is one instance of how the Press of the community has thought fit to deal with your utterances. “To our minds it was sorrowful to hear a teacher of religion take up the attitude taken up by the lecturer last night. In this little village community we

would fain live at peace one with another, but addresses such as were delivered last night make religious peace impossible. The lecturer appears young enough to offer his services for the front. We cannot but think that if he were to undergo a few months' experience on the battlefield along with other religious teachers he would become much more tolerant than he at present appears to be." You read that, of course, Mr. Elliott?—No, I did not.

57. It has not been communicated to you. However, you admit that that is one of the articles published in a newspaper in New Zealand?—I heard it was published.

58. Have there not been other comments very much in the same style in other papers?—Yes.

59. So that the effect of some of your utterances has been that some of the newspapers have called upon the Government to interfere, or have deprecated the attacks you are making at this time upon members of the Roman Catholic persuasion?—Yes, they have put it that way.

Mr. Ostler: How many have asked the Government to interfere? You have only read one.

60. *Mr. Gray.*] Now, you told my friend yesterday that in consequence of some statement that the Government had been urged to take some proceedings for the prohibition of the distribution of this pamphlet you saw the Attorney-General, the Hon. Mr. Herdman. Can you recollect the date?—Yes.

61. What date was it?—On the 24th May.

62. Were you accompanied by Mr. Dickson, member of Parliament?—Yes.

63. Any one else?—Mr. Alexander Donald, of Masterton.

64. Were you going to deliver a lecture after that anywhere?—Yes.

65. Where?—I was, of course, intending then to set out on my lecturing tour—no specific arrangement.

66. Had you in view then the delivery of lectures at any particular place?—No, I had not any itinerary arranged.

67. Did you say anything to Mr. Herdman about the necessity for police protection?—Yes. I can give you the reason.

68. No; it is quite sufficient to answer my questions. Did you apprehend there might be disturbances at some of the meetings?—Yes; on the statements of the Roman Catholic Press, I did.

69. You quite apprehended there might be disturbances, and so you appealed to the Minister to afford adequate protection?—Yes.

70. Is that the only occasion on which you had an interview with Mr. Herdman?—No.

71. When did you see him again?—I saw him previous to that. I have not seen him since then.

72. You saw him once before the 24th May?—Yes.

73. When?—I cannot recall. I think it was just after Easter.

74. That would be in the first fortnight in April. What was the object of your visit—the same thing?—No; it was in connection with certain police matters.

75. Nothing to do with this matter?—No.

76. At your interview of the 24th May did Mr. Herdman say anything which could be construed to give any encouragement to the continued distribution of this pamphlet?—The pamphlet was discussed, and the pamphlet had been submitted, and we were informed prior to seeing Mr. Herdman that the Department was not taking any action in the way requested by the Roman Catholics.

77. Were you not told by Mr. Herdman that it had been decided not to prosecute you?—Yes.

78. Nothing more than that?—No, in reference to the pamphlet.

79. Did not Mr. Herdman give you a serious warning against continuing your public utterances?—No.

80. Are you sure?—Quite sure. Mr. Herdman said, "If you keep within the War Regulations you have a right to discuss any matter of public interest or of history."

81. Very well, then: is there not a war regulation within your knowledge which prevents people doing things or making statements calculated to excite hostility or ill will between certain classes of His Majesty's subjects?—Yes.

82. Mr. Herdman practically warned you not to transgress against those regulations?—But at the same time Mr. Herdman said that in discussing matters of history which could be proved I was within my rights.

Mr. Gray: Very well—so long as you do not transgress the War Regulations.

Mr. Ostler: Give me the date of the regulations.

Mr. Gray: The 4th December, 1916.

83. *Mr. Gray.*] This was tantamount to a warning not to transgress against the regulations. Did you have any similar warning from Sir James Allen—Yes or No?—Sir James Allen's statement to me and his written communication in respect of the matter was not couched in that way at all.

84. Now, did not Sir James Allen in Auckland send for you?—No; I saw Sir James Allen at my request.

85. At your own request?—Yes.

86. Did not Sir James Allen give you a warning against continuing these meetings in this strain on the subject?—No.

87. What did he say?—He said it was advisable to be careful now in view of conditions.

88. If it was not a warning it was at least a free suggestion to you not to do things which might create trouble, and you so construed it?—Do not put words into my mouth.

89. *His Worship.*] That was the effect, though not the actual words?—Yes.

90. *Mr. Gray.*] Did you not even receive a more direct warning from the Superintendent of Police?—No.

91. Not from the Superintendent of Police?—No.

92. Not from any police officer?—No.

93. Quite sure?—Yes.

94. You have not been communicated with by the police in regard to your public utterances in any way whatever?—No.

95. Notwithstanding what has been said by Sir James Allen, and Mr. Herdman, and the Press, do you still contemplate continuing your lecturing tours?—Certainly.

96. And speak on the same lines?—I am not dealing with this subject you are now referring to; and let me say that since seeing Sir James Allen and the Hon. Mr. Herdman I have not repeated the lecture on any occasion.

97. But you spoke in the Town Hall here in Auckland on the 11th July?—Quite so.

98. And did you not say things there calculated to create dissension and ill will?—Not at all.

99. And do you not think it was an offence to any member of the Roman Catholic Church to say in public the things you are reported to have said there?—No; I do not consider that at all. I consider the right of free speech in things of public moment and of supreme interest to this Dominion.

100. Quite so—whether you offend Roman Catholics or not?—Quite so; I do not feel under any obligation to consider the Roman Catholics in this matter.

101. You will admit there are a great number of Roman Catholics serving in the Army?—Quite so.

102. And you admit there are many Catholics as well as Protestants who may yet be called upon to serve—who are being enlisted?—They are being conscripted for the most part.

103. When you say that, to whom do you refer?—The Roman Catholics.

104. Then you wish to suggest they are being forced to fight?—Yes.

105. If that were so you will not, of course, take any part of the blame to yourself?—No, for the war has been running three years, and I spoke only six months ago.

106. And you wish to convey to the persons here present, and to His Worship, that the Roman Catholics are not taking that interest in the war which you think they should?—I say that very definitely; their own publications prove it.

107. Then these utterances of yours are designed with the view of stirring up resentment against a class of men who you think are not doing their duty?—I have never said one word in that direction.

108. I suggest it to you?—I have never said one word in that direction.

109. I suggest it—your remarks are calculated to stir up resentment?—I never criticized in one written word or one spoken word, except in regard to their priests and Marists: and where there have been illustrations of Roman Catholics going into the Army and doing valiantly I have been as ready in my appreciation of it.

110. That is very good of you?—No.

111. Will you not admit as a reasonable man that when you make statements which many people consider to be offensive to persons of the Roman Catholic faith you are doing something which tends to breed hostility and ill will?—To whom?

112. Between persons of that faith and persons of the opposite faith—your followers?—I do not know that I have any followers.

113. Your associates?—It tends, no doubt, to bring to the surface the ill feeling that exists already on the other side.

114. You are prepared, then, to stir it up and increase it?—How increase it? I am out on a great public duty, and the whole of my actions in connection with this matter have been actuated by a sense of public duty, and that there are those who agree—there are many thousands in this Dominion who agree I am doing a public duty—there is ample evidence in the formation of the Protestant Political Association.

115. Yes, I dare say you can get people to believe anything, Mr. Elliott, but I would like you to tell me how you think that utterances such as those delivered by you in public here on the 11th July are calculated, we will say, to help the war?—To help the war?

116. Yes. I suppose you admit it is part of your duty to help to prosecute the war?—In every way possible; but not to sink the rights of Protestants and the rights and liberties of this country and its manhood, so that the whole of the rights and liberties are being filched by a secret or semi-secret organization under the name of religion.

117. And you are still urging that propaganda?—Yes.

118. And all you are doing is under the name of religion?—Yes; and you will notice it is called the Protestant *Political* Association.

119. Yes, I saw that. There is a very long report in the *Auckland Free Press*. You have read that, I suppose?—No, I have not. You do not usually read your own sermons and speeches.

120. Then you are not able to say it is a correct report?—I understand it was taken in a short-hand report; it is a fairly correct report.

121. You are prepared to accept it as such?—Yes.

122. It is such a long report it is difficult to pick out exactly what one wants, but I would like to ask you how you think that statements such as this are likely to do good or have any effect but creating ill will: "We made inquiries in certain districts as to whether the letters had been sent, and we were supplied by the senders with copies of the letters that had been stopped at the Auckland Post-office. The following is one of the letters addressed to the members of the Vigilance Committee: 'Can you inform me through your bureau of information whether it is a fact that a levy is made by the priest, or his representative, on the salary of workmen who have obtained employment through that priest's instrumentality in the Newmarket workshops?'" Did you say that?—Yes, I read out that letter.

123. Did you also say this: "It is openly reported that the Roman Catholics are teaching disloyalty in their schools, and I should like to know if you have any information on the subject, as many Protestants send their children to Roman Catholic schools?"—That was a copy of a letter.

124. Did you read it aloud?—Yes.

125. "We have other letters also. For instance, there is one asking if all the evidence in connection with the drowning of a man ('nun,' it should be) at Taumarunui was divulged, or whether certain facts were suppressed in regard to her health that ought to have been stated in Court to have a full understanding of the matter." You read that?—I read that letter.

126. "We also have an inquiry as to whether there was not found in the grounds of an Auckland Roman Catholic institution the body of a child, and whether it had been buried at the expense of a local police officer." Did you say that?—I read that.

127. What good purpose, may I ask, do you suggest was being aimed at in making those statements to a large audience in the City of Auckland?—I made the charge there that the Post Office was being used corruptly to suppress correspondence in the interests of the Roman Catholic Church, and I read those as having come through the post and been suppressed.

128. I can understand your grievance against the suppression of the letters. Was it necessary for your purpose in regard to the Post Office to say aloud these things, which must be deemed offensive, to say the least? You answer my question?—Yes, absolutely.

129. You deemed it your duty to make these statements?—Yes, absolutely, or else the audience would not have had the opportunity of judging.

130. Would it not have been sufficient to say, "Certain letters of a very delicate nature have been suppressed in the Post Office"?—No, it would not.

131. Then you do not feel any shame in having made these remarks in public in a community which consists to a large extent of people of different religions, including Roman Catholics?—Not at all.

132. You glory in it?—Not at all. I regret the necessity that has been forced upon us by the action of censoring our box.

133. I want to see exactly the kind of man you are. How long have you been a minister of the gospel?—Twenty years.

134. And in charge of churches or congregations all that time until lately?—Yes.

135. Where?—In Australia and in New Zealand.

136. When did you begin the anti-Roman-Catholic propaganda?—When I was at school.

137. And you have kept it up ever since?—Yes.

138. Have you indulged in public utterances somewhat on these lines in Australia?—Yes.

139. With the same results?—No.

140. No disturbances?—No.

141. Now, evidently you are imbued with the idea that there is a good deal—I will not say in the Roman Catholic faith, but in Roman Catholics themselves that is objectionable?—Not at all.

142. Are you not?—Not at all. I say it is the system.

143. It is the system, you say?—The system. I have no prejudice against Roman Catholics as such.

144. No? I am glad to hear that. That hardly squares with your public utterances, however?—You may think so, but I do not.

145. We may differ there, perhaps. You consider it was a necessity, and you performed a public duty in making the statements I have quoted?—Yes.

146. Did you consider you were performing any useful and good purpose in inventing—forging—bogus letters addressed to yourself or your committee which your counsel produced yesterday?—They were not bogus in the sense that there was reason for believing—

147. Answer me [question repeated]?—They were not bogus letters in that the inquiries made in those letters were not mere figments. We have reasonable ground for believing that in every case in those inquiries there is a substratum of truth, which, if occasion arises, may be proved.

148. That is not the question. Did you not deliberately invent the letters?—No; one could not invent facts.

149. Did you write the letters?—No, I did not.

150. Who did it?—Friends, at my dictation.

151. Very well; that is practically you. Did they sign their own names?—No.

152. What did they sign?—Oh, various.

153. Various fictitious names?—Yes.

154. One is signed "Harry Travis": do you know of any person of that name?—Well, I do, in Australia.

155. You do not suggest that is from that person?—No.

156. You do not suggest it came from a person of this name?—No.

157. This is Elizabeth Blacklock: is that a true name?—No.

158. And in the case of Hoey, is there any such person?—No, not that I know of.

159. The fourth is Soden—an existing person?—No, not that I know of.

160. You invented those names?—I did.

161. These letters [addresses quoted] are practically letters prepared by you and practically addressed to yourself?—Yes. Not to me—they came to the box. I never used the box.

162. These letters were intended as traps for the Post Office or somebody?—Yes.

163. You said yesterday they dealt only with matters relating to Roman Catholicism?—Yes.

164. Do you not think that a decent man, if he wanted to make a trap for that purpose only, would have put into his letters something less disgusting and less offensive than this?—I say this: we could not have obtained the proof we desired to have without some statements such as those.

165. So you think that a harmless letter referring to some Roman Catholic matter of general interest would not have had the result you desired—namely, to find out whether the letters were being censored in the interests of the Roman Catholic Church or not?—No.

166. Now, these letters I have characterized as disgusting passed the Censor, you say?—Yes.

167. And they reached the address, box 912?—That is so.
168. Your allegation is that the censorship has been established and exercised in the interests of the Roman Catholics: do you still believe that?—Yes. I think this inquiry made all the difference in the passing of those letters, and if the inquiry had not been made we would not have got them.
169. You are prepared to believe a good deal?—Yes, I seriously believe that.
170. Do you think that after that stuff went through the censorship is being exercised in the interests of the Roman Catholic Church?—Yes, I think the other letters prove it.
171. To go back to your interview with Mr. Herdman on the 24th May: you knew then that the correspondence for box 912 was being censored?—Yes.
172. Did you make any complaint of that to Mr. Herdman?—Not to Mr. Herdman.
173. You seemed to suggest yesterday that Mr. Herdman was somewhat sympathetic in regard to your actions?—I have not suggested that.
174. You seemed to suggest that?—You had no right to think that.
175. It seemed to me you seemed to suggest that Mr. Herdman was somewhat sympathetic so far as your utterances and the publication of the pamphlet was concerned?—I have no right to suggest that.
176. You told me that Mr. Herdman said nothing which could be said to encourage you in the distribution of the pamphlet?—No, as a Minister of the Crown he would not.
177. Did you discuss the pamphlet with him?—Yes.
178. But you made no complaint of the censorship?—No, it was not on me.
179. It was on the literature going to your box?—Not to my box at all.
180. I call it your box; but the Vigilance Committee's box?—Not the Vigilance Committee's.
181. Well, the Orange Lodge's?—Yes.
182. Well, you made no complaint to Mr. Herdman of the exercise of the censorship, and, of course, did not ask him to remove it?—No.
183. How long is it since you commenced to distribute this pamphlet?—In the early part of December, 1916.
184. Giving the address "Box 912, G.P.O." That is, it circulated for five months?—Until the Roman Catholics kicked up a row, and they put a censorship on it.
185. Who? Do you know that?—The Minister of Defence.
186. You had twenty-five thousand of these printed?—I am corrected in that this morning by the gentleman who had the matter in hand: twenty thousand.
187. Have they all been put into circulation?—Yes, with the exception of a few—about fifty.
188. How do you circulate them?—At meetings. People have written for them, &c.
189. Yes. All gone?—All except about fifty.
190. We have had reference made here to a sort of little preface, "Fellow Citizens" [quoted] and signed "The Committee of Vigilance." Who are the Committee of Vigilance?—I am not prepared to say.
191. I wish to know?—I am not prepared to say.
192. How many?—Quite a large number.
193. Well, who are they?—
- His Worship* ruled that the question should not be pressed, as Mr. Elliott was prepared to admit he was one of the committee and might be taken to represent it.
- Mr. Gray*: Very well; as your *Worship* says, he must be taken to represent that Committee of Vigilance.
194. *Mr. Gray*.] Now, when did the Committee of Vigilance begin to use box 912?—That would probably be in December.
195. Was that about the time the committee was formed?—The committee was in existence earlier than that.
196. How much?—Nine months.
197. And I think the Committee of Vigilance indulges in other pamphlets of much the same character?—You mean historical pamphlets.
198. You may call them historical, but they have reference to the Roman Catholics and the Roman Catholic Church. I have one here?—You refer to the "Rome and Beer" pamphlet.
199. How many have you circulated?—Three.
200. "Did the Pope know?": is that one?—No; that is circulated by the Protestant Political Association—"Printed and published for the Protestant Political Association by the *Free Press* Typ." The *Free Press* is the press whose imprint is on the other pamphlet, "Rome's Hideous Guilt," which I quoted.
201. The Protestant Political Association is the body of which you are the organizer and lecturer?—Yes.
202. I see that this ends up, "Is the Pope neutral? What say you?"—Do not take that into evidence that I say the Pope is neutral, please.
203. Not at all; I have quoted the pamphlet, "What say you?" And you have also published the prospectus of the Protestant Political Association, in the course of which there are these words: "The exemption of priests and Marist Brothers in response to the demand of the Hierarchy. The truculent and insolent attitude adopted towards the Minister for Education in the name of 'the Spirit of Conciliation' by the Roman Federation. The scoffing of politicians at Protestants, and their truckling to Rome. The crowding of members of the Roman Church into every branch of the Civil Service, and the widespread dissatisfaction in the Service in consequence thereof. The innumerable instances of undue influence to the detriment of justice and right." You approve, of course, and endorse that language?—I am afraid so, and we are endeavouring to prove it true.

204. And your membership declaration says, "I, —, declare that I am a British subject and a Protestant; I reject as superstitious the Romish doctrine of the Mass; that I am not married to a Romanist, nor will I marry one"?—That is so.

205. And you got your adherents and subscribers to sign that declaration?—Yes. Ten thousand have signed it in the North Island.

206. All that, you will say, is calculated to imbue a spirit of harmony throughout the community?—We are harmonizing the Protestants in the defence of their liberties.

207. And you do not care if you offend the feelings of the Roman Catholics?—No, not at all. It is better to have it on the surface.

208. And you are endeavouring to fan the flame?—No.

209. It looks very like it. Are there any more pamphlets, by the way?—No, not at present.

210. You mentioned a name that I did not catch?—That was an advertisement that appeared in the Press entitled "Rome and Beer."

211. Let us get on to your direct charges against the Post Office. When did you first think that letters were miscarrying?—I have a letter handed to me on the Thursday or the Friday of the week in which the letters were sent out.

212. The circulars, do you mean?—Yes, the circulars.

213. I understand the first posting of circulars was done on Monday, the 2nd July, and another posting on Wednesday, the 4th?—Yes.

214. When did you first communicate with Mr. Williamson, the Chief Postmaster?—On Monday night.

215. The first night?—No, on the Monday week.

216. The Monday before your lecture?—Yes. I had information before, but I thought they were perhaps accidents. I had only one or two.

217. But did you not ring up Mr. Williamson on the Thursday, the 5th July?—No, it was on the Monday night, I think—I am quite without any written record of the matter—Monday, the 9th July.

218. I suggest you are mistaken?—It is possible I am mistaken in that date.

219. I am informed that on the 5th July you rang up Mr. Williamson and made some complaint?—I would accept the date if Mr. Williamson is sure of it, because I have not a record of it.

220. And that he asked you if there were to be any further postings, and that you said, "Yes, some more would be posted to-night or to-day"?—Yes.

221. Did he not ask you to postpone the posting until that evening so that he could make definite arrangements in his office to keep a check?—Yes, that is so.

Mr. Ostler: Is it the 5th July?

222. *Mr. Gray.*] Yes, that is so. Mr. Williamson informs me you rang him up on the evening of the 5th July, and stated that envelopes from the association to the number of about fifty had been delivered without contents to the addressees?—Yes; that is, I was informed then from one and another.

223. Did not Mr. Williamson, after making inquiries from you over the telephone, request you to furnish a list of addresses of the empty envelopes?—That is so.

224. Did you ever supply that list?—No.

225. Why not?—I had not the names: I had to get them from my secretary. Then I was advised to withhold the names if I was going to make any public charge.

226. You advertised in the Press?—Yes.

227. You were requested more than once by Mr. Williamson to let him have a list?—That is so.

228. Can you suggest how he was to make inquiries into the complaint if he had not the names?—I was not concerned about what he was doing. I was concerned about how we were to prove the charges.

229. How do you suppose that the Chief Postmaster was to inquire into your complaint and see whether an injustice had been done unless you furnished him with the names and addresses of the persons concerned?—He could not do it. I explained to him through the Press why I had not done it.

Mr. Ostler: It was my mistake: I did not write.

230. *Mr. Gray.*] That was referring to something else. I am speaking of a date long antecedent to the meeting—the preceding week. You will admit, Mr. Elliott, it was impossible for the Chief Postmaster to make those inquiries without the particulars he asked for?—Yes; and in saying that I say it would have been impossible to prove our charges if the information had been allowed to get into the hands of the Post Office.

231. Yes; but you did not then suggest there was any improper action on the part of the Post Office?—No; but subsequent information made us think there was. We were not suspicious at that time.

232. After you made the charges you were advised not to supply?—No; I was advised before then.

233. After these conversations with Mr. Williamson?—I only had one.

234. You were advised that if you were going to make charges against the Post Office you had better not give him the particulars. For that reason possibly he has not received the particulars until we heard them in Court yesterday?—Yes.

235. You came to the conclusion apparently that there was something under the surface you did not know anything about?—In what respect?

236. That these non-deliveries, &c., were not merely the result of carelessness, but were done dishonestly?—Yes.

237. Now, I would like to know exactly what you do suggest?—In regard to the letters—in particular about the envelopes delivered empty?

238. Yes; we will take that first?—We say it was impossible for those envelopes to have passed through the system of addressing, filling, and stamping that we had arranged, and to have passed through the post-office, with the Post Office Regulations as they are, with the envelope empty, in the number they did and in the way they did; and that there must therefore be some reason in the Post Office for intercepting those tickets. Let it be understood no one could obtain tickets for the Town Hall meeting unless they possessed one of those cards, and the possession of one of those cards supplied sufficient motive.

239. What do you suggest in regard to the non-delivery to two persons of letters: we are told two persons did not get their letters?—I suggest those letters were opened and the cards taken out for the purpose of obtaining tickets of admission to that meeting.

240. And the envelopes, of course, destroyed?—Yes.

241. And you suggest that somebody has been base enough to open those letters and steal their contents and use them?—Yes.

242. Based upon nothing more than your distorted view of what is going on in the Post Office. What do you suggest, Mr. Elliott, with regard to the late delivery to clergymen of your letters of invitation?—I suggest the letters were held up dishonestly.

243. For what purpose?—For preventing, probably, the announcing of that meeting in the Protestant churches of Auckland.

244. Held up by whom?—How do I know?

245. But you must have some idea or theory. You do not suggest Mr. Williamson gave orders for it to be done to gratify any little whim?—Generally, say, the Post Office.

246. Beginning where? Do you go back as far as the head, Mr. Morris?—Tell me who is at the back.

247. You have been told the Censor is the only person. We have it now that out of 2,500 circulars there is evidence of only nine having reached the recipients with empty envelopes?—There is evidence of an unlimited number.

248. Pardon me; we are dealing with evidence here. My friend has given me the names.

Mr. Ostler: We also have an admission of two postmen as to many on their rounds.

249. *Mr. Gray:* No. Do you suggest there was a base conspiracy somewhere to prevent nine individuals out of 2,500 invited from attending the meeting?—I do not suggest that; I suggest there was a conspiracy to secure tickets.

250. Do you suggest there was any design to prevent the meeting or withhold from certain persons the knowledge that there was to be a meeting?—The letters were evidently held up with the intention of helping the meeting.

251. Do you suggest there was any design to prevent people going to it?—I do suggest that the only possible motive for censoring the correspondence——

252. I am speaking of these circulars. Do you suggest there was a design to spoil your meeting and prevent people going to it?—I suggest that the cards were taken out for the purpose of getting tickets.

253. That is, swelling the audience. You do not suggest that people were being prevented from going to the meeting?—It was the only means of somebody obtaining entrance tickets.

254. Can you suggest why, if anybody in the Post-office was stealing these tickets, the envelopes should be delivered to the addressees?—I have not the faintest idea why they came through.

255. That does not look like the action of an intelligent postman?—There is method in that madness. It is suggested that they were sent empty after abstraction of the contents.

256. Do you think, then, that the postman was committing a fraud—the letter-carrier?—The letter-carrier simply delivered what was handed to him.

257. Do you admit that there is nothing to show that there was any dereliction of duty on the part of letter-carriers?—No; I do not admit that. I do not know whose dereliction of duty it was.

258. Then you are not prepared to admit that as far as you know or believe the postman delivered the letters as he got them?—As far as I know.

259. And you cannot go further and say you do not think the postmen themselves abstracted the contents?—No. They disappeared; I do not know where they disappeared.

260. You have made reference to an order as to the delivery of letters—I think your counsel did yesterday—but you made some reference to it to-day. You say that there was an order in the Post-office——

Mr. Ostler objected. This is information obtained solely for the purpose of this case, and it is absolutely privileged. My friend cannot ask questions about how, or where, or in what manner I got information to work up this case.

Mr. Gray: I submit on behalf of the Post Office this is an inquiry into allegations made by this gentleman against the Post Office, which involve serious charges of misconduct on the part of the Post Office officials. It is not only the allegation that the censorship has been established and exercised in the interests of the Roman Catholic Church, but that correspondence has been suppressed—that it has been corruptly and wilfully suppressed, opened, detained, and so on, by Post Office officials. It has been stated by my friend and by this witness that there is an order in the Post-office book directing the censoring of correspondence for this box, or something to that effect. I submit I am entitled to ask what he knows about that, and what is the source of his information. The inquiry, sir, so far as the Post Office is concerned, ought, not only in the interests of the Post Office but in the interests of the public, to be as thorough as possible. Serious allegations have been made against an institution in which the public is concerned, and they ought to be fully investigated.

Mr. Ostler: The sound objection is one that rules in every matter that comes before a Court: information obtained for the purpose of working up a case before a Commission, or a Criminal Court, or anywhere, is absolutely privileged, and the other side has no ground for inquiring where that information came from.

His Worship: Are you seeking to ascertain where that information came from?

Mr. Gray: Yes, I propose to ask Mr. Elliott the extent of his knowledge about this order, and where he got his information.

His Worship ruled that the question might be asked.

Mr. Ostler: I shall advise Mr. Elliott not to answer.

Mr. Gray: Now, Mr. Elliott, you have intimated that there is some order—my friend said yesterday that in March an order was placed in the book, and that after the advertisement of the meeting further instructions were added to the order-book in the Post-office on the 6th July to hold back all correspondence. You communicated that information to your counsel, Mr. Elliott?—I do not propose to answer any questions on that point, in accordance with the advice of my counsel.

262. I ask you again, did you communicate that statement—that information—to your counsel, Mr. Elliott?—I decline to answer.

263. Were you informed by any person of the existence of such an order as is alleged?—I decline to answer that.

Mr. Gray: I ask your Worship to direct the witness to answer.

His Worship: You see, Mr. Gray, it opens up the whole question of information supplied to them in connection with working up their case. I do not like to force them. I can see, of course, that it is not in the best interests of the community that questions of the kind shall not be answered, to show whether there is corruption in the Post Office. That is the allegation, and I say the other side must take the onus of refusing to assist me in the investigation of the charge of corruption in the Post Office.

Mr. Gray: You will recollect I said the other day that the Department was anxious to get at the whole truth.

His Worship: Evidently there must have been some leakage in the Post-office, and information conveyed to your counsel, Mr. Elliott.

Mr. Ostler: How do you know that the information was not given to me?

His Worship: I presume you would not try to get any information. If you would, so much the worse for you.

Mr. Gray: Your Worship will see that it has been suggested that there has been some leakage. It is not only in the interests of the Department generally that your Worship should make that inquiry, but the head of the Department is most anxious—

His Worship ruled that he would not compel an answer: it would mean penalizing some particular officer.

Mr. Gray: Does your Worship see the result? If there has been leakage in the Post-office, has not some particular officer there committed a breach of his oath in regard to secrecy? And if it is not disclosed who the culprit is, the whole of the staff may rest under an unjustifiable stigma of breaking the confidence of the public.

His Worship: Yes. [Ruling adhered to.]

264. *Mr. Gray:* Well, I will put one more question to Mr. Elliott. Will you say who gave the information that I have referred to?—No.

265. Do you decline here, at this public inquiry into the conduct of the Post Office service, to give any information which will help either His Worship or the head of the Department to inquire into the truth of this allegation?—No; I would not withhold any information that I have which would not involve the people who assisted me in this matter.

266. Do you suggest then that your answering and giving the information to me that I seek would involve a Post Office official?—I am not suggesting anything.

267. I ask you the question?—I will not answer.

268. Then you decline to give me any information which will enable the head of the Department to ascertain whether or not there is a person in the Post-office who is unfit to be in the Public Service—Yes or No?—I will not answer.

JOHN WILLIAM SALMOND, K.C., examined.

1. *Mr. Gray:* Your name is John William Salmond?—Yes.

2. You are a barrister, holding the rank of King's Counsel, and you are the Solicitor-General for New Zealand?—Yes.

3. I think, Mr. Salmond, you have been responsible for the drafting of war legislation since the war, and also the War Regulations?—That is so.

4. And that you have had under your guidance and care many of the proceedings that have been instituted in New Zealand under the War Regulations?—That is so.

5. Have you also been called upon to advise as to the censorship in New Zealand of correspondence and mail-matter?—Yes, I have constantly acted as the legal adviser to the censorship.

6. Are you familiar with the matters which led up to the censorship of matter emanating from box 912, G.P.O., Auckland?—Yes.

7. Perhaps you will tell His Worship how the matter originated?—At the end of 1916 and the beginning of 1917 the attention of the authorities was, upon more than one occasion, called to the activities of a body calling itself the Vigilance Association, and also to the activities of the Rev. Howard Elliott, who was in some way connected with that body.

8. Was it a Vigilance Association or a Vigilance Committee?—I think it appears on the front of the pamphlet—the Committee of Vigilance. The first occasion on which that matter came to my

knowledge was at the beginning of December, 1916. A communication was received by the Hon. the Attorney-General—a private letter enclosing a copy of a circular or pamphlet published by this committee and called “Rome’s Hideous Guilt in the European Carnage.”

9. Is that pamphlet identical with the one now before His Worship?—That is the same pamphlet. I do not propose to mention the name of the informant of the Attorney-General, but in view of the nature of the suggestions made in this case I desire to say that he was not a Roman Catholic, and had no connection with the Roman Catholic Church.

10. May I ask, Mr. Salmond, whether, when the matter was referred to you by the Attorney-General, you received any particular instructions, or was the matter just referred to you?—It was referred for my consideration and action. I considered the matter, and I came to the conclusion that the pamphlet was a mischievous publication, and that the body responsible for it should not be allowed to have the use of a post-office box for the distribution of matter of that class. I accordingly, on the 13th December, 1916, sent a memorandum to the Chief of the General Staff, Colonel Gibbon, who has apparently the chief control of the censorship and with whom I always communicate in these matters. The communication which I sent to him was as follows [letter read].

11. Do you know, Mr. Salmond, that in consequence of that memorandum which you sent the Chief of the General Staff censorship was directed by him?—That is so.

12. Then it appears that the suggestion of censorship originated with yourself?—That is so.

13. You had no instruction by any Minister of the Crown or any one else to take this particular action, but you acted on your own discretion?—Yes.

14. For the reasons mentioned in the memorandum to the Chief of the General Staff?—For those reasons.

15. The suggestion has been made in these proceedings that the censorship was established in that instance in the interests of the Roman Catholic Church?—I desire to give that suggestion an emphatic denial. There was no thought in my mind, and I am sure there was no thought in the mind of the Chief of the General Staff, as to taking sides in any way in any religious controversy. It was not in the interests of the Roman Catholic Church that action was taken—it was in the interests of the public; and exactly the same action, as far as I am concerned, would have been taken if the Committee of Vigilance had themselves, or had Roman Catholics, made a similar attack upon the Protestant religion.

16. Did you consider, Mr. Salmond, that the circulation of literature such as that was calculated to create hostility and ill will?

Mr. Ostler raised the objection that this was a leading question, but His Worship ruled that that could hardly be so, as it was the Solicitor-General who was giving evidence.

Mr. Gray: That is so, sir. Mr. Salmond has already shortly stated his reasons in the memorandum.

Witness: The reason why I recommended that action should be taken was that literature of that class seemed to be an attempt to stir up religious strife and bigotry in a time of war; it could serve no useful purpose, and was bound, I thought, to excite public discord and want of harmony and religious antagonism at a time when harmony and efficiency were absolutely necessary to the conduct of this war. I came to the conclusion, rightly or wrongly—and I adhere to it—that the circulation of that sort of thing was a public mischief and a public evil, and that the Post Office should not be used as the instrument of it.

17. *Mr. Gray*.] Did you consider, Mr. Salmond, that the effect of the circulation of this pamphlet might have any effect upon military operations in New Zealand?

Mr. Ostler objected that this was another leading question.

His Worship ruled that the Solicitor-General could take care of himself in such a matter.

Witness: It would have no effect upon military operations, but I thought it would have a very appreciable effect upon the recruiting of Roman Catholics and in the want of hearty co-operation and assistance of Roman Catholics in the conduct of the war. This pamphlet is not really an attack on the Roman Catholic religion—it is an attack upon Roman Catholics in specific relation to the war.

18. *Mr. Gray*.] When I said “operations” I meant conduct of matters connected with the war?—I said that in my opinion it would interfere with the full assistance desired by the Government being obtained from the Roman Catholic community in connection with the war.

19. I had recruiting in my mind when I asked the question, but I did not like to suggest it to you. About the source of this pamphlet?—One of the witnesses said this pamphlet was merely a reprint from an English newspaper, with the exception of some words at the end of it. I desire to point out that the first part of the pamphlet is not a reprint at all. It is a publication by the Committee of Vigilance in these words:—

“*Rome’s Hideous Guilt in the European Carnage.*

(From the *Churchman’s Magazine*.)

“FELLOW CITIZENS,—

“It is impossible to get the daily Press to publish the great underlying facts of the cause of this present terrible war. Germany is being made the scapegoat to hide an equally guilty party—Rome. Austria is the chief of Rome’s representatives. The Papacy has two great objects at the present time—viz., the restoration of the temporal power of the Pope and the destruction of Protestantism. England has stood in the way of the achievement of these objects. Rome’s aim is to crush England, as also is Germany’s. The following will give you some startling and accurate information. There is much more to know, but this will enlighten you.

“THE COMMITTEE OF VIGILANCE.”

20. And there is an addendum, is there not?—Yes. “Let it not be lost sight of that Rome stirred the fire under Europe’s boiling cauldron, and therefore she must be pronounced ‘Guilty’ in primarily provoking the Great War.”

21. *Mr. Ostler.*] That is a reprint, Mr. Salmond?—I do not think so.

Mr. Ostler. I can produce the *Churchman’s Magazine*.

Witness. The addendum, then, is the following part: “This is the Church that our Mayor (Mr. Gunson) and City Councillors are pandering to. (NOTE.—Owing to the attitude of the Press the people are kept in darkness. Rome controls the papers. Your heritage of liberty and freedom is being attacked. You don’t know it. The booksellers of this city are afraid to stock the literature which would enlighten you. If you are not going to remain blindfolded write to box 912, G.P.O., Auckland, when you will receive a list of books and magazines which every Protestant should read.)”

22. *Mr. Gray.*] Those words you have read at the beginning and the end of the pamphlet are something in addition to the original publication which the *Churchman’s Magazine* itself had published?—Yes.

23. Now, Mr. Salmond, you have expressed your reasons for recommending—advising—censorship. Have you in consequence of anything that has happened since last December, or that you have heard in the course of this inquiry, seen any reason to alter or modify your views?—None whatever, except that I am inclined to regret I did not take stronger action at the time than merely impose censorship.

24. *Mr. Ostler.*] Is that a threat?—

25. *Mr. Gray.*] It may not be a matter of public interest, but may I ask, Mr. Salmond, are you a Roman Catholic?—No.

26. Or Colonel Gibbon?—I do not know what Colonel Gibbon is, but I have no reason to believe he is a Roman Catholic.

27. Then, shortly, Mr. Salmond, it is you, and you alone, who are responsible for the advice that the correspondence from this body should be censored, and it was pursuant to your advice that the censorship was established?—That is so.

28. *Mr. Ostler.*] Is that the only instruction the military authorities have—that memorandum of the 13th December?—Oh, yes.

29. The only connection you had with the matter was to send that memorandum of the 13th December, 1916?—I have often dealt with the Rev. Howard Elliott since then.

30. Well, have you advised any further restrictions than those?—No.

31. Are we to understand that you are really the Censor of New Zealand, Mr. Salmond?—No.

32. It sounds like it, does it not?—No; I said I was the legal adviser.

33. But you advise, of course, and when you advise the military authorities they follow your advice, do they not?—Usually.

34. In this connection you did not have any instructions from any Minister of the Crown at all?—No.

35. When you say you are inclined to regret you did not take stronger action, are we to take that as a threat you are going to take stronger action in future?—I am making no threat.

36. What do you mean by “stronger action”?—By “stronger action” I mean prosecution under the War Regulations.

37. Can you point to any war regulation under which any person responsible for this pamphlet could be prosecuted?—I think it is probably an offence against the War Regulations of the 4th December, 1916. These were not in force when the pamphlet was printed.

38. Were those regulations made with the view of prohibiting the circulation of the pamphlet?—Oh, no; the pamphlet was published just before the regulations, and came to my knowledge just afterwards.

39. You have told us that the attention of the authorities was called to that pamphlet by a person whose name you declined to mention?—Yes.

40. Can you tell us whether he is a member of Parliament?—I have no objection to saying Yes, he was a member of Parliament.

41. I think we know the gentleman then?—I think you probably do.

42. You say he wrote a letter to the Attorney-General: have you brought that letter up with you?—Yes, I believe so.

43. Is it a fact that there is not one word of Mr. Howard Elliott mentioned in that letter?—

Mr. Gray. I do not think Mr. Salmond should be asked about documents necessarily of a confidential character. They are really matters of State, and Mr. Salmond might have declined, I think, if he had cared, even to make any statement—

His Worship. Well, he has already answered, and I do not see that the counsel for the other side—

Mr. Gray. All that Mr. Salmond said was that the attention of the Solicitor-General had been drawn—

His Worship overruled the objection.

44. *Mr. Ostler.*] My last question was, Was it a letter about the Rev. Howard Elliott?—I have no objection to answer that.

45. I suggest to you, Mr. Salmond, there was not a word in that letter of Mr. Elliott?—There was not, as far as I know.

46. But I understood you to say that the attention of the authorities was drawn in that letter to the Committee of Vigilance and to the Rev. Howard Elliott?—Not in that letter.

47. Then when you issued that advice to the Chief of the General Staff you did not know Mr. Howard Elliott in the matter?—No.

48. Then it would not be correct to say that this censorship was imposed because of any speech Mr. Elliott made at Hamilton?—It was long before then.

49. Is it not a fact that the Censor is under the control of the New Zealand Government?—I do not know what you mean by “under the control of the New Zealand Government.”

50. For instance, what I mean is this: Could not the New Zealand Government say to the man who is Censor, we will appoint some one else instead of you?—Oh, yes.

51. Could not the New Zealand Government direct that Censor how he was to act in censoring any particular matter? Could not the New Zealand Government say, “You are not to censor box 912 any longer”?—Oh, yes.

52. That is sufficient for my purpose. Is it not an omission that there is no statutory power for the appointment of a Censor in New Zealand?—There is no express power for the appointment of Censors. The matter has been dealt with under section 27 of the Post Office Act by Governor's Warrants.

53. Then the Censor is appointed under section 27 of the Post Office Act?—Yes.

54. You have told us that the reason for your advice in this case was that that sort of pamphlet was not likely to produce harmony in a dangerous time for the nation. If that is so, may I ask why you have allowed the Catholic Press of this country, week by week, to publish sedition?—I allow it?

55. Well, you allow the persons who direct the public prosecutions of this country?—I have no initiative; I never take any action unless I am asked about it.

56. Well, but you took the initiative in this?—No; I said it was referred to me by the Hon. the Attorney-General.

57. Can we take it the matter has not been referred to you—the matter of the utterances of the *Tablet*?—I cannot answer.

58. I can understand your difficulty about it. It is a fact that there has not been a prosecution of any Catholic organ in New Zealand?—That is so, I believe.

59. Have you yourself, apart from the matters that have been referred to you, observed any paragraphs in the Catholic Press which are grossly seditious and disloyal?—I cannot answer the question; I do not personally read the Roman Catholic Press.

60. Have you directed the censorship or advised censorship of any literature issued by any Catholic association?—I do not know what you mean exactly. I have advised the Censor about countless matters—some Catholic, some others, some no religion at all.

61. Can you tell me whether a censorship has been established over any correspondence addressed to the Catholic Federation, for instance, or sent out by the Catholic Federation?—I cannot tell you. I have no recollection of all the advice given the Censor, and even if I had I do not know that I should answer the question.

62. You do not mean to suggest that you may have advised them to censor the correspondence of the Catholic Federation and forgotten it?—I have no recollection of any matter connected with the Catholic Federation being submitted to me; but I suggest you do not pursue that line of investigation—I am not going to disclose the advice I have given in connection with other matters.

63. We can draw our conclusions from that—that while our correspondence is censored that of the Catholic Federation is allowed to go free of any restriction. Now, can you tell us whether the Government or the Censor, or whoever it is, proposes to continue the censorship over the correspondence of this association?—I do not know.

64. I understand that you have drafted the whole of the War Regulations?—Yes.

65. And, in fact, the draftsmanship is entirely your work?—Yes.

66. Is it not a fact that an association like the Employers' Federation would be calculated to stir up enmity and strife just in the same way as this association?—If they did it they would be dealt with in the same way.

67. But do they not?—Not that I know of.

68. But your office, under your instructions, prosecuted the coal-miners recently for the “go slow” strike, did it not?—Yes.

69. I suggest this to you: Why did you not, when you saw the mischievous tendency of this pamphlet, adopt your favourite way of dealing—issue a war regulation making it illegal?—Make a particular pamphlet illegal?

70. No; you could have published a war regulation preventing the Protestant Political Association from holding meetings if you liked?—There is power now to prohibit the holding of any meeting relating to the war.

71. You have said you thought the activities of this association were harmful, and the activities of Mr. Elliott. Why, instead of holding their letters back, did you not pass a regulation and say this is an unlawful society?—I am inclined to think we should have done that; we were too lenient.

72. *Mr. Gray.*] As I understand it, Mr. Salmond, the matter of prosecuting does not rest with you: you merely advise?—I do not take action; I advise; either the police or somebody else prosecutes.

73. *Mr. Ostler.*] Could I ask one more question? Mr. Salmond, were you not asked to advise whether a prosecution would lie for that pamphlet?—Yes.

74. Did you advise that no prosecution would lie?—I did not advise that no prosecution would lie; I advised against the prosecution.

75. I suppose, on the ground that no prosecution would lie?—No.

76. Did you think that no prosecution would lie?—No; I advised against it. I have already explained that that pamphlet was printed and published before the War Regulations were in force, and I thought, in the circumstances, it would be inexpedient.

77. Was the new regulation retrospective?—No; but if it applied at all it should be applied to the subsequent distribution.

78. You advised to that effect?—Yes.

79. *Mr. Gray.*] Not, Mr. Salmond, on account of any doubt as to its tendency?—No.

80. When you were asked to advise, there was no regulation in force which might fit in. There was a regulation in force, but not when the publication was first distributed and circulated, and you would have had to depend upon the subsequent circulation to prove the offence?—Yes.

Rev. HOWARD LESLIE ELLIOTT further examined.

269. *Mr. Ostler.*] Do you know who sent the report of your Hamilton meeting to the *Star*?—Yes, a Mr. O'Grady.

270. What is his religion?—He is reported to be a Roman Catholic.

271. You have already told us it is not a fair report?—It is a very unfair report.

272. *Mr. Gray.*] Only by reason of omissions, I understand?—Oh, no; I said it was twisted.

273. *Mr. Ostler.*] Have you any fair report of that meeting?—Yes; this is a fair report.

274. Where was it published?—In the *Waikato Argus*.

Mr. Gray: That is, fair from the witness's point of view.

His Worship: He is in the best position to know, of course.

275. *Mr. Ostler.*] You were asked if a row was not made. You said "Yes." Tell us exactly what occurred?—We had advice on the day of the meeting from fourteen miles out of Hamilton that there was going to be a demonstration. We communicated with the police, and the police also intimated that they had heard that. When the hall was almost full—an audience of about nine hundred and fifty present—a band of young fellows, about forty in number, came in, and immediately the chairman took the chair one of them rose to speak on behalf of the Roman Catholic Federation. All through the meeting they disturbed and yelled and shouted, and Inspector Phair of the police sent in a notice that if the chairman desired it he would remove that section from the hall, since all the disturbance came from that section.

276. Did you desire to have them out?—Not at all; it was the making of the meeting. Then, at the close of the meeting, when we sang "God save the King," some remained seated, and some started to sing "God save Ireland." Then, after coming out in the company of Mr. Bollard and the Rev. Mr. Clark and others, there was yelling. I was never in any danger; I kept my hands in the pocket and smoked my pipe, and walked along to the car of my friend, who drove me to the place I was staying at. Afterwards, about half a dozen of these young men are reported to have driven over to the house of Dean Darby, showing that it was a Roman Catholic organized disturbance.

277. Tell us exactly what was said between you and the Attorney-General afterwards in discussing the matter of this meeting?—In discussing this meeting I intimated to the Attorney-General that the subject-matter of my lecture was included in a number of books and publications. I quoted this book, for instance, "The Papal Conquest," written by Mr. Robertson, D.D., of Venice, and published in 1909.

278. Never mind the book. You told the Attorney-General that the subject of your lecture was contained in several well-known books?—Yes, and in several English publications, American, and Canadian, and Australian. I also reminded him that in Australia a well-known dignitary of the Anglican Church, Canon Digby Berry, had delivered a lecture which might have been word for word my own.

279. Have you a copy?—I have a copy. It was delivered in the Town Hall, Melbourne.

280. It might have been word for word your own?—Yes; drawn from the same authorities.

281. *Mr. Gray.*] Did you say you read this?—No.

Mr. Gray: It is unduly loading the inquiry.

Mr. Ostler: The witness is being asked what he said to Mr. Herdman.

His Worship: That is so.

Mr. Ostler: Go on.

Witness: I also said that the whole trouble of the meeting arose from the fact that Roman Catholics were determined to allow no expression of facts or opinion different from their own; and that if they resorted again to the same tactics in other of my meetings the men who stood with me in the cause were prepared to take the defence of the meeting and their interests into their own hands.

Mr. Gray: I thought the witness told me he applied for police protection.

Mr. Ostler: You would not let him give reasons; you insisted upon his answering yes or no. (To witness): Go on.

Witness: Mr. Herdman said there would be no necessity for that; that in lecturing—as we had a right to do—adequate police protection would be afforded upon application at any time.

282. *Mr. Ostler:* The suggestion has been made that he said something to discourage you from continuing your lecturing. Is that so?—Not one word.

283. The suggestion was made that he discouraged distribution?—It was not a question of distribution.

284. He said not one word of warning or to discourage you?—No.

285. Have you ever in any public utterances you have made in New Zealand said one word against the religious observances of Catholics?—No; outside the teachings from my pulpit, where I dealt with them from a religious point of view, I have always carefully avoided the religious observances of Catholics. I have dealt with their politics only.

286. It has been suggested by the editor of some obscure paper in Taranaki that you ought to have been at the front. How many children have you?—Five.

287. What is your age?—I am forty.

288. Can you tell us of your own knowledge whether a Protestant Political Association exists in other places than New Zealand?—A Protestant Political Association exists in Queensland—brought about by the same conditions that face us here in New Zealand, owing to the domination of Rome in our politics and the Public Service; in New South Wales; in Melbourne, Victoria; in South Australia; in Canada; in Cape Colony; and throughout the United States of America.

289. With the same platform?—With the same platform; with the same declaration to be signed as we require our members to sign. Ours is one of a number throughout the Empire which seek to preserve the Empire against the attacks of Catholics upon it to disintegrate the Empire.

290. With regard to those four letters written at your dictation and posted by you, it has been suggested, I think, that they were forgeries: will you kindly tell us for what express purpose you did that?—To prove the nature of the censorship upon our correspondence.

291. Under the "Reasons" for your association I read, "The exemption of priests and Marist Brothers in response to the demand of the Hierarchy." "The Hierarchy," I suppose, means the priests. Has the Hierarchy in New Zealand demanded the exemption of Marist Brothers?—Archbishop O'Shea has; and Bishop Brodie, of Christchurch, has also demanded and threatened that the whole force of the Catholic Church will be used if they are not exempted.

292. "The attack upon our educational system and the demand for State aid for their sectarian schools." Has that been demanded publicly?—It has been demanded publicly; and the Minister of Education has been violently and vilely attacked because he has refused to grant them State aid. Public meetings have been held in the Town Hall, Auckland, and throughout the country, speaking in the most unmeasured terms, and it is in consequence we have to organize.

293. I understand that is an extract from the *Tablet* of the 29th June upon that very point?—That is so.

Mr. Gray: I would like to ask, sir, how could this be made relevant? How does this arise out of my cross-examination? I endeavoured to avoid any contrast between the activities of the Roman Catholic Church and the activities of the Protestant Churches either in the matter of education or otherwise. I endeavoured to confine myself to this gentleman's activities, which seemed to have the result of creating ill feeling.

His Worship: Mr. Elliott was cross-examined in regard to some books you had in your hand.

Mr. Ostler: My friend quoted these words out of this constitution: "The exemption of priests and Marist Brothers in response to the demand of the Hierarchy; the attack upon our educational system, and the demand for State aid for their sectarian schools; the truculent and insolent attitude adopted towards the Minister for Education in the name of 'the spirit of conciliation' by the Roman Federation; the scoffing of politicians and Protestants, and their truckling to Rome."

Mr. Gray: I did not quote that.

Mr. Ostler: You are quite mistaken; you read it.

Mr. Gray: I read the first sentence, certainly.

Mr. Ostler: My friend used that to show that this man was stirring up religious strife. I am going to show the object and purpose of his attitude.

294. *Mr. Ostler* (to witness).] With regard to the "truculent and insolent attitude adopted towards the Minister for Education in the name of the spirit of conciliation": that is a reprint from the *Tablet* on the very point?—Yes.

295. Did you have a meeting recently? You had a meeting recently at Wanganui, and one held on Thursday night at Hamilton: were many people present?—The room was crowded out—not standing room—about eight hundred present.

AUCKLAND, MONDAY, 20TH AUGUST, 1917.

Mrs. MARY IRVINE examined.

1. *Mr. Ostler*.] What is your full name, Mrs. Irvine?—Mary Irvine.

2. And you live at Otahuhu?—Yes; Station Street, Otahuhu.

3. Did you post a letter to box 912 recently?—Yes, on the 8th July.

4. What was in the letter?—Asking for two tickets.

5. For the meeting?—Yes.

6. Did you ever get a reply?—I got no reply, and on Thursday I wrote to Mr. Slyfield, our Postmaster, and told him—

7. Would that be the following Thursday after the 8th?—Yes.

8. That was the day after the meeting, was it?—Yes, the 12th July; and I told him I had written for two tickets and received no reply, and he forwarded me a paper in the afternoon to fill in, which I did in the presence of my husband.

9. Did you ever hear any more about it?—Last Wednesday week I received an answer from Mr. Williamson, telling me—

10. Is that the answer?—Yes, that is it. "Although every possible search and inquiry have been made, no trace of the missing letter can be found in the post-office."

Mr. Gray: No questions, sir.

JESSE ALBERT DUPREE examined.

1. *Mr. Ostler.*] What is your full name?—Jesse Albert Dupree.
2. And your occupation?—Manufacturer.
3. And your address?—Eden Terrace.
4. Did you have a conversation with Mr. Williamson, Chief Postmaster, about nine letters going astray?—Yes.
5. When was it?—On the 9th July, I think it was.
6. Tell us what the conversation was?—I have a note of it. I told him that certain letters had been posted to the ministers on the Friday, and told him also that they had not been delivered on the Monday morning, and asked him why it was.
7. It was the 9th July, in the morning?—Yes; I have got a note.
8. Did you take this note at the time or later?—Very soon after—within an hour. This is it: “On Friday evening last letters were posted to all the ministers asking them to announce the meeting in the Town Hall on the 11th to their congregations. It seems that they have not received them. Can you give me any explanation for this?” The reply was, “Held by the Censor.” I said, “So they have been censored?” He said, “Yes.” I then said, “Evidently held them up with a purpose.” “I should not like to say that,” was his reply. “You quite understand I am not to blame in the matter as I have no control over the Censor.” My reply was, “Quite.” He continued then, saying, “But the censorship has been removed, and they will all be delivered as usual; in fact, I expect they have been received by now.” At 3.30 p.m. on Monday, the 9th July: “So the censorship is lifted?” I asked. He replied, “Yes.” I then said, “Tickets posted now will be delivered as usual?” His reply was “Yes.”
9. Is that all the conversation?—That is all the conversation.
10. *Mr. Gray.*] Did you see Mr. Williamson?—It was on the telephone.
11. You did not see him?—No.
12. Were you speaking from Eden Terrace?—Yes.
13. And the conversation did not take very long, I suppose?—Not very long.
14. Then the effect of it is this, is it not: you asked why certain letters posted on Friday had not been delivered on the following Monday, and he explained that they had been held up by the Censor?—That is so.
15. And you agreed that the Post Office was not to blame?—That is so.
16. When he said the censorship had been removed did you understand he was referring only to that particular batch?—I took it to mean, in future we should have perfect freedom.
17. That was your understanding; but you do not suggest Mr. Williamson said expressly that the censorship of that box had been removed?—That was what I understood.
18. But he did not say so expressly?—I took that to be his reply.
19. But if Mr. Williamson tells His Worship, as he will, that he was referring to that particular batch of letters held up, I suggest that ought to have led you to a different understanding. You see, Mr. Dupree?—It conveyed to my mind at the time that there was to be perfect freedom.
20. You will admit that in this conversation over the telephone there was room for a misunderstanding. You were inquiring specifically about a batch of letters, and you were dealing with that batch of letters?—Yes; and then I asked him generally whether they would be delivered as usual.
21. Is it not possible he may have misunderstood your question as to the extent of the censorship on that day?—I do not know how Mr. Elliott understood it.
22. Never mind Mr. Elliott?—I telephoned through to explain to him.
23. You merely telephoned to Mr. Elliott what you understood had been the result of the conversation?—Yes.
24. That is of no importance at all. This is the question: Mr. Williamson was dealing with a specific batch of letters, and is it not quite possible he considered your inquiries were relating to that class of correspondence then in the post?—In a measure, yes.

WILLIAM RICHARDSON examined.

1. *Mr. Ostler.*] What is your full name?—William Richardson.
2. And you are a printer?—Yes.
3. Carrying on business in Auckland?—Yes.
- [Statement of evidence tendered by Mr. Ostler.]
- Mr. Gray* (after reading it): I have no objection to that. I do not see what it has to do with the inquiry.
4. *Mr. Ostler* (to witness).] Is that a correct account of what occurred?—Yes.
5. Can you tell me, Mr. Richardson, the name of the Act the Superintendent of Police referred to?—Not now. I saw it.
6. You saw some Act?—Yes.
7. Can you tell me whether it was a statute—an Act of Parliament—or a war regulation?—I think it was an Act of Parliament. It was bound in with other Acts.
- Mr. Gray:* The Printers and Newspapers Registration Act. That was the Act under which the Superintendent acted.
- His Worship:* He must be a Justice of the Peace as well. I am familiar with the procedure.

HENRY HASTINGS SEABROOK examined.

1. *Mr. Ostler.*] What is your full name?—Henry Hastings Seabrook.
2. And your occupation?—Manufacturer.
3. And your address?—Business address, Grafton Road.
4. Have you ever had any difficulty—any controversy—with the Post Office about papers being stopped?—I have had two tiffs with the Government over that question.
5. When was the first?—Early in 1914.
6. How did that arise?—Well, I think—of course, I am speaking from memory now, but that would seem to be about the time when the Roman Catholic Federation was started—I think it was about that time it was announced they were out to suppress immoral literature. Of course, I do not know, but that may be so.
7. Did you see that when it appeared in the newspaper [extract from *New Zealand Herald*, 20th May, 1914]?—I did. Previous to that I had seen some letters, *Mr. Ostler*, that announced the fact that they were visiting the booksellers in the city for the purpose of getting to know, or perhaps finding out, what sort of books they had on their shelves. I think that occurred all through the Dominion.
8. That occurred right throughout the Dominion?—I believe so.
9. [Portion of article read.] Did you see that?—Yes; my copy is in the Government now.
10. You cut it out?—I cut all that out, and sent it to the Government.
11. Did you take steps to find out what the paper was that they had succeeded in getting the Postmaster-General to stop?—Certainly. I was interested in this. I know a little about it. I thought I would interest myself to find out what sort of paper this was.
12. You need not state the steps; what paper did you find it was?—I found it was *The Menace*.
13. Have you been a regular subscriber to *The Menace* for some time?—Well, I have subscribed to *The Menace* for the last fifteen months.
14. Would you describe *The Menace* as disgustingly immoral?—Not at all. I would like to say, first, when I found out what paper this was I took steps to get a copy of it, and I managed to get a couple of copies after a good deal of difficulty.
15. Is that one of the copies you got [issue of the 16th May, 1914]?—Yes, that is one.
16. Did it have any immoral advertisement in it?—Absolutely, no. I got two copies of it. I read them from top to bottom. Do not make any mistake, *Mr. Ostler*; I am not here to support immoral literature, but when I read that paper from top to bottom I did not find one single sentence or one single word I could say was immoral in that paper. And I would like to say that I found out that the editor of that paper was a respected minister of my own denomination—a Congregationalist—and the last man that would send out immoral literature.
17. When you discovered this what steps did you take to bring the matter to the notice of the Government?—I at once wrote to the Postmaster-General.
18. Is that a copy of your letter [copy dated the 26th May, 1914]?—Yes, that is a copy.
19. “Marked in blue”: what part was that?—The interview that you quoted.
20. *Mr. Ostler* read the letter, and asked, Did you get that letter in reply [letter from Postmaster-General, 29th May, 1914]?—I did.
21. *Mr. Ostler* read the letter, and asked, That had attached to it the article, did it?—Yes; he sent me up the clause of the Act and a letter which appeared in the *Evening Post* of the 25th May, 1914. Somebody had attacked him, and he had made an explanation in the paper.
22. Did you write him in reply?—This was when I had heard the name of the paper and got to understand it was not an immoral paper at all—purely a Protestant paper. I then wrote (to *Mr. Rhodes*, I think it was, if I remember right) saying I had received a copy of *The Menace*.
23. That is the copy [of *Mr. Seabrook's* letter]?—Yes, dated the 20th June.
24. Did you also write to *Mr. Massey* about it?—I had been in conversation with him when he was in Auckland, I think. I told him distinctly what I had done with relation to the Postmaster-General, and he said if I would send in all particulars and a copy of the paper I had secured he would see his colleague and go into the matter. I then sent full particulars to *Mr. Massey* and a copy of the paper, and also a copy of an advertisement that was supposed to have been the cause of stopping this paper. I found that this advertisement—the alleged reason for stopping this book—was a medical work by *Dr. Hall*, of Philadelphia. I have found out since that she is one of the leading doctors of Philadelphia; and it was on the organs of women. I went through the booksellers here in Auckland; I wanted to find out whether there were any such books on their shelves. I cannot say to that particular book; but they nearly all said, We have exactly the same things on our own shelves. I found out, of course, it was stopped on account of this advertisement. Now, that book was published by the Bible Depot of Philadelphia. I was indignant—

His Worship informed witness such comment was not to be continued.

Witness: I am only showing the nature of the book and its publishers to show that the Bible Association would be the last to put out an immoral book. That is all I want.

25. *Mr. Ostler.*] You wrote *Mr. Massey* and you wrote *Mr. Rhodes*, and they removed the prohibition?—They have removed it—at least, they said this: *Mr. Rhodes* stated to me that he assured me he would not suppress that paper on account of the Protestant element of the paper.

26. *Mr. Ostler* read *Mr. Seabrook's* letter to the Postmaster-General, 20th June, 1914. Before that you wrote to *Mr. Massey*: is that a copy?—

Mr. Gray: Well, sir, where is this going to end?

His Worship: *Mr. Ostler* must be the judge and not put in anything not relevant.

Witness: That is a copy of the letter I sent to *Mr. Massey* [letter of the 20th June, 1914]. We do not want to hide anything; you might read it.

27. *Mr. Ostler.*] There is not much in it that is not in Mr. Rhodes's [letter read]. You got an answer from Mr. Massey merely saying he would take an early opportunity of conferring with his colleagues?—That is so.

28. Then you finally got this reply from Mr. Rhodes [letter of the 30th July, 1914]: "It was brought under my notice that copies of the paper contained advertisements of an immoral nature relating to sexual treatment"?—I have not seen the book.

29. You saw the advertisement?—I saw the advertisement.

30. Did the advertisement relate to sexual treatment?—

31. *Mr. Gray.*] Can you produce it?—I cannot.

32. How is His Worship to judge?—I have seen the advertisement. My copy is with the Government.

Mr. Gray: There is the Postmaster-General's opinion of the advertisement.

Mr. Ostler: It is in your custody.

Mr. Gray: I have not seen it.

Mr. Ostler: It is on the Post Office file; this is P. and T. 47/49.

Mr. Gray: I am only referring to the Postmaster-General's opinion of the advertisement.

His Worship: Leave the matter of the advertisement. Go on, Mr. Ostler. [Letter read by Mr. Ostler.]

Witness: I would like to say that prior to seeing that in the paper I had not the slightest idea there was such a paper as *The Menace* in existence. I did not know there was one printed. It was simply the statement of the Catholic Federation drew my attention to it.

Mr. Ostler: That embargo on the paper was removed?

Mr. Gray: To that extent.

Witness: I followed the thing right to the bottom, and I wrote to the proprietors of that paper.

Mr. Ostler: I am afraid this is not evidence.

His Worship suggested Mr. Ostler should ask, Are the papers coming to you now?

Witness: I did not get any after that. I dropped the question as long as I got my point. We were not going to be dictated to by anybody in regard to our literature. Eighteen months ago I got into contact with somebody in Wellington, a representative of the paper. Being interested I started to subscribe to the paper. At least, I do not know that the Post Office has stopped them for eighteen months.

33. *Mr. Ostler.*] Quite recently you have had further trouble on the matter?—I have.

34. Can you tell us what it was?—I was sending through this friend of mine in Wellington an order for some of the papers, and I sent a postal note for £1 3s., I think it was, in payment for my order; and to my surprise she—I speak of "she" because her husband was in India at the time—she returned me the letter and envelope with the particulars that they had been returned to her censored—marked "Prohibited."

35. Is that the envelope that you sent?—That is the one she sent, I suppose. That is the one that came back to me.

36. What steps were then taken?—I think the Post Office knew me pretty well. I got a gentleman to write to the four centres—the Postmasters at Auckland, Wellington, Christchurch, and Dunedin—and also to the Censor at Wellington. I asked him to find out whether business correspondence with *The Menace* in America was prohibited. We received word, I think, from the lot of them that it was not prohibited.

37. Then what steps did you take?—Then I came on the scene. I wrote to the Postmaster in Wellington and to the Censor in Wellington, and I wanted to know why my correspondence was censored.

[Four letters were admitted in evidence as being official documents, Mr. Gray raising no objection: replies dated respectively the 21st February, 1917, the 27th February, 1917, the 2nd March, 1917, and the 3rd March, 1917, to letters to Censor, Wellington, and Chief Postmaster, Christchurch, Wellington, and Dunedin.]

Mr. Gray: The best reply, of course, is from the head—the First Assistant Secretary.

38. *Mr. Ostler.*] Then you wrote to the Chief Postmaster, Wellington, and to the Censor also. Is that a copy of your letter to the Chief Postmaster?—Yes.

39. [Letter read.] Did you get any reply to that?—[Witness testified to sending and receiving certain letters.]

40. *Mr. Gray.*] You have been occupying the last three-quarters of an hour in ventilating your grievance in regard to this particular paper *The Menace*?—The grievance of Protestants.

41. Confine yourself to answering my questions. The result of your correspondence with the Post Office is this: you were informed that the Postmaster-General in the exercise of his discretion and after consulting the Crown Law Officers had directed that *The Menace* should be prohibited on the ground of what he thought was indecent matter. That was the official explanation?—I heard it was on account of the advertisement of that book.

His Worship: The correspondence speaks for itself.

42. *Mr. Gray.*] Do you suggest that the Hon. Mr. Rhodes, who was Postmaster-General at the time, or the Crown Law Officers, were likely to give wrong reasons?—No, I cannot say that; but I know what Roman Catholicism is, Mr. Gray.

Mr. Gray: You confine yourself to answering my questions.

Mr. Ostler: There is no evidence of the Crown Law Officers advising the Postmaster-General.

Mr. Gray: He said, "We have taken legal advice": those are the very words.

43. *Mr. Gray.*] Mr. Seabrook, the recent occurrence of your remittance being held up was explained by the authorities and by the Postmaster-General to have been due to some misapprehension and mistake?—But I wanted to know what that mistake was.

44. Are you content to accept the Hon. Mr. Rhodes's assurance that neither of the two officers concerned in delaying the letter was a Roman Catholic?—Well, that needs a little——

45. Surely you can say?—No; pardon me, I am not going to say——

His Worship: Mr. Gray has a perfect right to ask for a definite answer to his question.

46. Do not take this opportunity of making speeches, but answer my questions?—I am out of my element here.

47. Are you content to accept Mr. Rhodes's explanation that the two officers concerned with the holding-up of the letter were not Roman Catholics?—I think I must admit that. I want to know this: who was at the back of those officers? That is the point. Rome will never use a Catholic if it can get a Protestant to do its work. They get somebody else to do the work for them.

48. You take a great interest in the work of the Protestant Political Association, I understand?—I am in it.

49. Are you one of the Committee of Vigilance?—I will tell you. Yes, I am.

50. And you are interested, of course, in the propaganda of Mr. Elliott and his association?—I have been for forty years at it.

51. You are a party, I suppose, to the allegations made in the Press, and persisted in up to the present time, that the censorship over the correspondence of box 912 was instituted in the interests of the Roman Catholic Church?—I believe so; I quite believe that.

52. Do you believe that your letter was marked, "Passed by the Military Censor"?—I quite believe that.

53. And you do not suggest that it was held up by the Censor?—I do not know who held it up. I do not know who was at the back.

54. It says so. It has been marked, "Passed by the Military Censor."——

Mr. Ostler: It has been marked over.

55. *Mr. Gray.*] Do you propose to say it was stopped when it was marked "Passed"?—I do not know who put it on; I only know that was how I received that envelope. I can imagine a good many things it would not be right to bring out here.

56. I ask again, do you suggest that it was held up by the Censor?—I do not suggest anything. That was how my correspondent received it after it was stopped. I want to get to the bottom of it.

57. I have said it half a dozen times—I will say it again: do you suggest that the Post Office in the exercise of its discretion having put *The Menace* on the list of prohibited newspapers for the reason given by the Hon. Mr. Rhodes—will you conceive the possibility of some Postal officer in 1917 not being aware of the restriction being removed?—I do not know why it is; it may be so and it may not be so.

58. I ask, Will you admit the possibility of some officer in the Post Office not knowing, or not recollecting, of the prohibition being removed?—I do not know, and I am not going to admit that, Mr. Gray. We may have our ideas whether this was the cause. I have not got any further. The Postmaster-General does not give me the reasons.

59. The Postmaster-General says that was the reason—a mistake—a misapprehension?—I do not know. I am satisfied if I know who is at the back.

60. You are not content to accept the Postmaster-General's suggestion, if not statement, that the prohibition was not done by a Roman Catholic, or in the interests of Roman Catholics, or in any way except by a mistake or misapprehension?—If you ask me I think he was trying to let down his Department lightly.

61. Will you answer my question? You are not prepared to accept the statement of the Postmaster-General?—I am quite prepared to accept the statement of the Postmaster-General that the individuals were Protestants; but who is at the back of it?

62. You have asked that more than once; I cannot tell you. I suggest to you that this correspondence disclosed that the prohibition was due to a mistake—that it was not done by any Roman Catholic?—I do not know that.

63. I am quoting the Postmaster-General that neither of the officers is a Roman Catholic: are you not willing to accept that assurance?—I am quite willing to accept his assurance that the officers there were Protestants. I do not say they are not; but I want to know who is at the back of it. This is a serious matter. I believe in the freedom of the Press every time.

64. You believe in the freedom of the Press, you say?—And freedom of thought.

65. Even though *The Menace* contains violent attacks upon other persons' religion and the alleged abuses of that faith?—If it is true, why not blab it out?

66. That is your view; and I suppose you entirely sympathize with all Mr. Elliott has said in his public utterances on this question?—I quite support Mr. Elliott and any person who will get up and expose any attempt to interfere with our liberties in this Dominion.

67. Do you support Mr. Elliott and sympathize with him in all his public utterances on this question?—Generally, I think it is right. I do not know all that he says.

68. Were you present at the Town Hall on the 11th July, and do you endorse what he said there?—Some of his statements, I do.

69. Do you encourage him in his attack on the Post Office service?—I believe there is some irregularity in the Post Office—for instance, the censorship of our box.

70. Have you ever taken the trouble to inquire from the Minister of Defence why the censorship was applied?—No; I believe Mr. Elliott has seen the authorities on that.

71. You believe he has?—I think he stated so the other day.

72. I am not aware of that. No application you know of was ever made to the Minister of Defence to know why the correspondence was being interfered with?—I cannot say I know of any correspondence.

73. You and your friends are content that Mr. Elliott, not having made that inquiry, should say in public that the censorship has been established in the interests of the Roman Catholic Church?—It all points that way.

74. Do you say so still?—I believe that is so.

75. Did you hear Mr. Salmond, Solicitor-General, give his evidence on Saturday?—I did.

76. Are you not content to take his assurance that he is not the author?—I want to know who is at the back—

77. Will you please answer my question? Are you not content to take the statement of Mr. Salmond as to the reasons for the establishment of this censorship [Solicitor-General's memorandum read and question repeated]?—I must accept what the Solicitor-General stated.

78. And you do not dispute that the reasons which he gave were the correct reasons?—

His Worship: He does, with a reservation: he suggests that the Roman Catholics were behind it.

79. *Mr. Gray.*] Do you venture to suggest that the Solicitor-General was moved by any Roman Catholic?—[Witness reiterated his remarks about wanting to know who was at the back.]

80. You heard the Solicitor-General say here that a copy of the pamphlet had been sent to the Government, and that the Attorney-General referred it to him without any instructions at all?—I do not know about no instructions.

81. If Mr. Salmond said that, do you still suggest?—I have got faith in Mr. Salmond.

82. Do you accept Mr. Salmond's assurance that he was the author and originator of the censorship on this literature?—I must do that, I suppose; I think I must give way to that.

DAVID GOLDIE examined.

1. *Mr. Ostler.*] Is your full name David Goldie?—Yes.

2. You are a timber-merchant?—Yes.

3. And you reside?—Pitt Street, Auckland.

4. Did you receive a letter containing two tickets or a ticket for admission to the platform of this Protestant meeting?—I do not know whether it was a platform ticket; I received a ticket and a notice.

5. You received a ticket and a notice asking you to apply for tickets?—Yes.

6. Did you apply for a ticket?—No. One I had would answer my purpose.

7. Did you ever receive a letter containing a ticket admitting you to the platform?—No.

8. *Mr. Gray.*] Did you apply to anybody for a ticket?—No.

9. Did you expect to receive a ticket at all?—No.

10. When you received a ticket on the first occasion you did not respond to that invitation, and did not expect to get a ticket?—Quite so.

11. *Mr. Ostler.*] I understand, Mr. Goldie, you are chairman of the Orange Lodge Trust here?—Yes.

REV. HOWARD LESLIE ELLIOTT further examined.

1. *Mr. Ostler.*] Of the witnesses who have given evidence as to receiving empty envelopes in this inquiry, how many of them are members of your congregation?—Nine of them have been members of my former congregation.

2. *Mr. Gray.*] You had advertised, Mr. Elliott, or some of your friends had advertised, for persons who had not received envelopes?—That is so.

3. And you do not know of any more instances than those in respect of which evidence has been given?—We have no evidence, but we have reason—

4. Will you please answer my question? You have no evidence of any more persons other than those?—Not evidence; but we have reason to suppose a great many more, who are afraid of the Court—

5. You put in a report published in the *Waikato Times* of your meeting at Hamilton, which report you say was more accurate than the one telegraphed to the *Auckland Star*. Did you not tell us that the *Waikato Times* report is fairly accurate?—For a newspaper report.

6. Did not the *Waikato Times* publish a leading article on the subject of your meeting?—I believe so.

7. Did you read it?—No.

8. Have you seen it?—No. If you are interested in these leading articles I can supply you with a lot of them.

9. I am about to ask whether this article in the *Waikato Times* fairly expresses the result of your meeting. This is four days after the meeting. [Article read.] Was that brought to your notice?—No.

10. Do you admit that that comment by a paper in the town where you delivered this inflammatory speech was provoked by the sentiments to which you gave utterance?—No; it was provoked by the Roman Catholics shutting up the Protestant opinion of this country.

11. I quoted to you the other day articles from the *Auckland Star*, a Taranaki paper, the article I have quoted to-day, an article in the *New Zealand Herald*, and a great many more, all condemning your action?—Every one.

12. In all they considered you stirred up strife and divided the community into camps?—The best evidence that it has divided the community into camps is that last Thursday I was advertised to speak again in Hamilton, and the Town Hall was not large enough to hold the crowd, and we had a perfect meeting. I am absolutely proud of uniting the Protestants of this country into a great fighting organization.

13. You are proud of that result, even though it is accomplished by antagonizing members of the Church which you are attacking in relation to the war?—Excuse me, I have never attacked members of that Church as a Church; I have attacked their politics or interference with politics. I have never referred to their religion.

14. You have said things, as I put it to you the other day, which must be deemed to be insulting by members of the Roman Catholic faith?—How can I help that?

15. Do you suggest that the newspapers which give vent to their expressions of opinion upon your utterances such as I have read are themselves governed by Roman Catholic interests?—No.

16. Then, why do you venture to suggest that the papers are not honest in their expressions of opinion?—Because the Roman Catholic *Tablet* week by week utters the most absolute seditious and disloyal statements, and no paper in this country ever makes one comment upon it.

17. Do you suggest that is a reason why these papers I have quoted trounce you for your utterances?—I suggest they do not care about the Protestants, and they fear the Catholics because they are organized.

18. Then the newspapers of this country cannot be trusted to do their duty?—I did not suggest anything of the sort. On broad political lines I have no occasion to question—neither do I—the integrity of the newspapers of this country; but when it comes to a question of Rome *versus* Protestants, Rome gets the Press every time.

19. *Mr. Ostler.*] You said in answer to Mr. Gray that you had no evidence of any more empty letters delivered, but you had some reason to suppose some, and then he stopped you. Would you mind telling us the evidence?—The evidence already tendered in this Court by witnesses, and the evidence that will be tendered this morning.

20. You said you had reason to suppose there were other cases, and the witnesses did not want to come to Court: why was that?—

Mr. Gray objected.

21. *His Worship.*] Afraid to come before this Commission—is that what you mean, Mr. Elliott?—That is what I said.

22. Can you give any reason?—I have had messages over the telephone, “I received an empty envelope.” “Well, give me your name and address.” “Oh, no.”

His Worship: It is quite possible.

Mr. Gray: How could the Post Office deal with a thing like that?

Mr. Ostler: Even some of the witnesses who came here begged to be excused.

His Worship: Quite natural.

Mr. Ostler: Were any threats made by any public man in this country?—[This question was not pressed.]

GEORGE WILLIAMSON JAMIESON examined.

1. *Mr. Ostler.*] What is your full name?—George Williamson Jamieson.

2. And your occupation?—Hairdresser.

3. What is your postal address?—Hinemoa Road, Grey Lynn.

4. Did you have any conversation with the postman?—Yes, along Ponsonby Road.

5. Can you tell me first when it was?—About four weeks ago.

6. Was it after the Protestant Political Association’s meeting?—Yes, after.

7. How long after?—I can give you the date.

8. I would like the date?—You see a postmark there. The day after was a Sunday. It was a Monday.

9. Therefore it was the 23rd July?—Yes.

10. What was the conversation about?—I said to him—I met him along there—I said, “Hullo, delivering empty envelopes?” He said, “They are off now.” So I said, “I suppose you delivered some of them?” “Oh, well,” he said, “yes, some of them were.”

11. That was all said between you?—Yes.

12. *Mr. Gray.*] Do you know the postman’s name?—No.

13. Do you know his round?—He has the first delivery along Karangahape Road in the morning.

14. This was a jocular conversation, of course?—Yes; it passed my mind as I met him. It was a joke.

15. That had reference, I suppose, to what had been said at the meeting?—I took it that way.

16. And he jocularly said?—He said, “They are off now.”

17. Repeat the rest of the remarks?—I said, “I suppose you delivered some of them?” and he said, “Yes, some of them were.”

18. That was all, was it?—Yes.

19. You are quite sure that is an accurate report of the conversation?—Yes.

HENRY SYDNEY BILBY further examined.

1. *Mr. Ostler.*] Did you post a letter to Mr. David Goldie, containing a platform ticket?—Yes; I posted his with the Orange Trustees’ platform tickets, and with the ministers’ tickets.

2. *Mr. Gray.*] On what day?—On the Friday night, with the ministers’ tickets and the Orange Trustees’.

3. What was in the envelope?—Just the platform tickets.

4. How many?—Two platform tickets.

5. Any letter or circular?—Just two tickets.

6. And in a closed envelope?—Yes, and a 1½d. stamp.

7. And at the same time as you posted the letters to ministers at Dominion Road?—Yes.

8. Who addressed the envelope?—Some of those who addressed the envelopes in the afternoon; but I put in the tickets myself.

9. You did not address the envelope, and you do not know who did?—No.

10. And you particularly looked at the address before you posted the letter?—No; but I know it was there because I saw his name.

Mr. Ostler: That completes my evidence, sir, except that I would like to put in evidence some copies of the *Tablet* and the *Green Ray*, Roman Catholic publications, to prove the statements I opened with, and the statements made by Mr. Elliott in the box, that week by week they are making seditious and disloyal utterances in this country. I do not want to read them, but I want your Worship to read them.

Mr. Gray: I confess, sir, I cannot see the relevance of this. My learned friend wants your Worship to be assured that some other publication contains seditious matter for which I suppose it ought to be prosecuted. That may or may not be true; but, after all, does not the question of responsibility for the prosecution or non-prosecution of this journal rest with the police, and how can it be imported into this inquiry?

His Worship: Possibly I will forward it on.

Mr. Ostler: I want to put in correspondence between the Government and myself in reference to this matter—my letter to the Prime Minister, the Prime Minister's long wire in reply, a further wire I sent him, and two or three letters which have passed between Mr. Gray and myself since he has come up.

Mr. Gray: How the correspondence between Mr. Ostler and the Prime Minister can interest His Worship I do not see.

Mr. Ostler: I presume it will do no harm.

His Worship: It is personal to myself, one part of it.

Mr. Ostler: That is not personal to me, you understand, sir. I was only acting as I am instructed. I would like to put it in.

His Worship: I do not see the slightest objection, Mr. Ostler.

Mr. Ostler: That closes my case.

Mr. Gray: Before my learned friend closes his case, I want to know whether he is not going to call the witness to prove the alleged orders in the Post-office.

His Worship said that evidently Mr. Ostler hoped to be able to establish the fact by the production of the order-book when the Post Office officials were examined.

Mr. Ostler: I presume my friend is ready to adhere to his undertaking to call any officers of the Post Office required.

His Worship: If during the progress of Mr. Gray's side of the case you want any particular Post Office official and will notify me, I will undertake to see he is produced.

AUCKLAND, MONDAY, 20TH AUGUST, 1917.

Mr. GRAY's Opening Address.

Mr. Gray: May it please your Worship: In outlining the case for the Post Office I desire to express complete concurrence with the observations made by Mr. Ostler as to the importance of these charges, both in the interests of the public and for the reputation of the Post Office. The Post Office, as has been said, is an institution to which every person in the land has access. It is an institution in which it is desirable that everybody who uses it should have complete confidence, and that nothing should take place to shake that confidence. It is an institution which has produced honourable and distinguished men in the past—men who have spent the best years of their lives in its service, actuated by a strict sense of duty. The Post Office has always made for efficiency, and ever since the foundation of the colony that aim has been uppermost. In the last quarter of a century its growth has been enormous. It handles very large quantities of correspondence in addition to other matter, and its operations call for considerable skill. Nevertheless, having regard to the magnitude of the operations and the matters dealt with by it, the mistakes which have been made on the part of any of its officials have been comparatively few indeed. The causes of complaint have also been few in number. It is the practice of the Post Office when complaints are made to make a thorough investigation into every complaint, and to remove the cause if it can be removed, while measures are taken to ensure that there shall be no recurrence of the matter complained of. Of course, the Post Office relies upon the complainant to furnish such particulars as may be necessary to prosecute the investigation. The result of the practice has been the continued and unshaken confidence of the public—a confidence that is thoroughly well deserved, and of which the public of New Zealand have cause to be proud. It has been left to Mr. Elliott, supported by his friends, to attempt to shake that confidence by making wholesale charges against the Post Office officials in this city, of corruption and prejudice, and to engender a feeling of suspicion where hitherto there has been no suspicion. One cannot help thinking, however, that Mr. Elliott and his friends are not moved so much by a sense of grievance against the Post Office as by a desire to make that institution a sort of stalking-horse, and that his attacks upon it are only incidental to his attack upon the censorship established over his political association, and upon the activities of the Roman Catholic Church, and that he hopes by these methods to assist in the prosecution of those matters which he has expounded upon the

public platform, and which at least one of his supporters has ventured to advertise and enlarge upon in the course of this inquiry. It is not necessary that I should make detailed reference to the matters which Mr. Ostler referred to in his opening address, wherein he referred to the alleged aims and objects of the Roman Catholic Church in this and other countries, and to the reasons for bringing into existence the Protestant Alliance. It is highly regrettable that there should be anything in the nature of sectarian strife or religious discord. After all, one's religion is usually a matter of birth, whether Presbyterian, Roman Catholic, Methodist, Anglican, Baptist, or any other religion. A man's religious beliefs are usually those of his father, and it is not till he has attained years of discretion that he makes any change, if he ever does make a change; and the occasions upon which changes are made are comparatively limited in number; so that when a man professes to be a follower of any denomination it is usually because he has been brought up in that particular faith, and not because he had any choice in the matter. It is all the more necessary, therefore, that there should be religious tolerance, so that all may be free to exercise their religious beliefs, particularly as one knows that the beating of the "drum ecclesiastical" creates great stir. We know that from time to time there is a recurrence of this trouble amongst sects, and the world goes on as it always did; and until the end of time that, I suppose, will always happen. So long as they do not stir up private animosity no great harm is done, but when they do, the matter is one for very great regret. Such occasions are regrettable in times of peace, but they are much more so in times of war; and one would have thought that it would have been seen that the duty of every man was to do his best towards the successful prosecution of the war with a view to bringing about its termination as early as possible in the way in which we hope and desire that it will end, and to avoid anything which might tend to divide the community at this particular time. Yet it is this particular division that Mr. Elliott and his associates are endeavouring to make; and I have no doubt that if such people as Mr. Elliott and his friends could have their way statements such as those we saw recently in the cablegrams, that the Ulstermen and the Catholics were fighting side by side, would not be possible. He has no doubt persuaded himself and many others that he has some high and holy mission to counteract some political activity of the Roman Catholic Church and its organization. One would have thought that he could have embarked upon his self-imposed duty without attacking religious beliefs which must be as dear to the followers of that religion as his own beliefs are to him. He has not confined himself to pointing out alleged offences which are subversive of good order. He has made base allegations against the private lives of leaders and teachers in the Roman Catholic community, and created prejudice and ill will.

Mr. Ostler: Where?

Mr. Gray: We have only to call attention to the remarks he has made at gatherings of the public, and also to the letters concocted, as he has admitted, for the purpose of trapping the Post Office officials. I suggest that any person who can do this is devoid of all sense of what is due to the persons whom he seeks to attack. And I am not at all sure that, although your Worship ruled that those letters were not to be read, it would not have been better in the public interests that they should have been read and published, so that the public might judge for themselves as to the nature of the efforts of himself and those assisting him. What has been the result of these efforts? Apparently an outburst of protest in the public Press against the utterances he has made in public. I have read here a statement in the *Auckland Star* which, if I may say so, expresses itself admirably, and voices a regret that an attempt should have been made to stir up religious strife in this way. The comments made clearly show that, whatever his objects may have been, the result of his work has been to create feelings of anger, bitterness, and resentment amongst a large section of the community. I am not sure that he has not contravened the War Regulations, one of which makes it an offence to publish anything calculated to incite such feelings of hostility and ill will as may endanger the public safety during the war. Mr. Elliott has not hesitated to say that persons of the Roman Catholic faith, which seems to him as a red rag to a bull, and excites the same feelings in his mind, are not taking their proper part in the war. We know—it is a matter of common knowledge—that a large number of Roman Catholics are fighting with the Forces from the Old Country, Canada, Australia, and New Zealand, if not from other countries, and that a very large proportion of the soldiers of France and Belgium are Roman Catholics. I cannot imagine any members of that faith listening to such condemnation and to expressions so insulting to the teachers of their religion without feeling anger, bitterness, and resentment. It is unavoidable that the result of remarks such as he made must be to bring him within the spirit of the War Regulations. I have said that it seems to me that his complaints against the Post Office were made not so much for the purpose of finding out whether there was any dereliction of duty on the part of the Post Office officials as for the purpose of attacking the censorship. We know from what has appeared in the Press from time to time how well the censorship has worked in other countries, and how great and beneficial have been the results of the censorship established during the war. In this country we also have a censorship, and we can suppose that it has been beneficial alike to the operations of our military commanders and to the Government in dealing with persons who trade with the enemy and commit unpatriotic acts of that kind. In this case it has been proved that a censorship over the correspondence of box 912, used by Mr. Elliott and his association, was established because of the distribution by him and his association of that pamphlet intitled "Rome's Hideous Guilt in the European Carnage," a copy of which has been handed in. As to the sentiments expressed in that pamphlet I do not desire to say anything, except that they are obviously aimed at the Roman Catholic Church and the Roman Catholic Federation. The Auckland Vigilance Committee, of which Mr. Elliott and Mr. Seabrook are members, have taken it upon themselves to distribute some twenty thousand to twenty-five thousand copies of this publication, and have added new matter of their own in which they make references to Roman Catholics which, in the

opinion of the persons most competent to judge, were likely to create feelings of hostility and ill will, and were of a mischievous tendency. Mr. Salmond explained the genesis of the censorship of box 912. I may remind your Worship that the distribution of this pamphlet was brought under the notice of the Government by some gentleman not a Roman Catholic. The matter was referred by the Attorney-General to the Solicitor-General without any instructions whatever. It was left entirely to the Solicitor-General to advise. He came to the conclusion that this class of literature had a mischievous tendency, and he addressed a communication to the Chief Censor which resulted in a ban being put upon this particular box; and I may say that the charge that the censorship was established in the interests of the Roman Catholic Church has been absolutely swept away by the evidence of Mr. Salmond. As to what followed after the establishment of the censorship, I desire to say very little, except this: The Post Office is subject in time of war, as is every individual in the land, to the will of the Military Censor, and when the order came from the Censor that the correspondence should be delivered to him or to his deputy the Post Office was bound to act upon it. I suppose there is no case where letters have been necessarily detained for the purpose of being examined in which the Post Office has ventured to open such letters without express authority. In this case the detention of correspondence and the opening of correspondence is not a Post Office act: that is done by the Censor or the Censor's representative. When an order is received all correspondence is submitted as a matter of course to the Censor, who exercises his discretion as to what he does with it. Into the discretionary powers given to the Censor we have no right to inquire. We assume, however, that he acts with discretion. It is ridiculous to assume that because Mr. Elliott and his associates have been outspoken and have created a great deal of resentment the censorship was exercised in anything but the performance of a public duty. In this particular case I may say at once that the gentleman who acts as Censor in Auckland is not a Roman Catholic. So far as we have proceeded we have the fact established that neither Mr. Salmond nor the Chief Censor is a Roman Catholic.

Mr. Ostler: You have not proved that the Chief Censor is not a Roman Catholic.

Mr. Gray: Mr. Salmond said he had no reason to suppose that Colonel Gibbon was a Roman Catholic, and I have no doubt that if he were we should have had evidence to that effect from Mr. Elliott long ago. I shall prove that of the circulars that were posted by the Protestant Political Association in the early part of July, giving notice of the holding of the meeting on the 11th July and enclosing tickets inviting applications for seats, not one was submitted to the Censor, and not one was held up. No delay of any circulars occurred through the action of the Censor. The responsibility, therefore, for the delay in the delivery of the circulars—and when I say “circulars” I am distinguishing from the notices sent to the clergymen—if any delay occurred—must be due to acts of the Post Office; and we are prepared to submit every official to prove that there was no delay in the delivery of any matter through any fault of the Post Office officials. It may be asked, how was it that these were not submitted to the Censor? The answer is this: there was a very small staff on duty during the two nights when these circulars were posted, and the man whose duty it was to send them up to the Censor apparently forgot the order that had been issued, and consequently they were not passed on to the Censor. And it is quite easy to understand how one might forget on occasions such as that mentioned. No harm was done, however, by this gentleman's forgetfulness. In fact, it was beneficial to the other side, because, if the officer had not forgotten, the Censor might have held the circulars up, and thus interfered, perhaps, with the arrangements made for the meeting. So much for the circulars. With reference to the letters posted to the clergymen, I shall show that on the morning of Saturday, the 7th July, 200 sealed packets were delivered to the Censor in pursuance of instructions, and on the following Monday morning 260 more were delivered to the Censor. Of that number a large proportion included the notices to the clergymen posted on Friday night, and not received at the Post-office till Saturday morning. They were released in the course of the following Monday morning, so that, with the exception of the notices posted to the clergymen inviting them to make a statement from the pulpit on the 8th July, no delay or inconvenience was caused to the organizers of the meeting, inasmuch as those letters which were posted late on Friday night—11.20 p.m., to be exact—and which in the ordinary course of post could not have been delivered till Saturday, were delivered on Monday, the meeting being held on the following Wednesday. There was therefore only a short delay, and for that the Post Office was not responsible in the slightest degree—it was due to the act of the Censor, and nothing else. Every one is liable to have his correspondence censored in these times, and we must be prepared to submit to some little inconvenience. As to the alleged delay and non-delivery of circulars, and delivery of envelopes without contents, Mr. Williamson, the Chief Postmaster, and his officers will speak and give proofs. I would strongly impress this fact upon your Worship in the interests of the Post Office: Mr. Elliott, when he made his complaint as to the non-delivery of letters, should have given to the Postmaster such particulars as would have enabled the latter to investigate the complaints. Without these particulars what could the Postmaster do? Mr. Elliott seemed to recognize the force of this, and promised to submit a list, but until it was submitted to your Worship here in Court we had no list. The Postmaster was hampered, therefore, to that extent. Mr. Elliott's particulars are six weeks late, whereas complaints should be accompanied immediately by sufficient particulars to enable inquiries to be made at once. Matters in the Post Office are too urgent, and the volume of work is too great, to permit of things being held up for six weeks before due inquiries are made. I suggest that he was loath to furnish anything which might mean the breaking-down of his charges. The result of those charges is this: Out of 2,500 circulars, or thereabouts, said to have been addressed and posted, only nine envelopes have been said—at least, it is so alleged—to have been delivered to the persons for whom they were intended with the contents missing. That is to say, in nine cases the Post Office officials took the trouble to deliver to the addressees nine envelopes without any contents. It is also claimed that there were five persons who did not receive letters at all.

Mr. Ostler: More than that.

Mr. Gray: That is all the evidence they have given in reference to these charges, and now we find the charges reduced to the abstraction of the contents of nine letters and the non-delivery of four or five. As to the abstraction from those addressed envelopes, one finds it difficult to conceive what possible object any Post Office official could have in abstracting circulars drawing attention to a meeting and enclosing tickets the sending of which would entitle the recipient to a ticket of admission. Mr. Elliott suggests that there was a conspiracy to obtain tickets of admission. One would have thought that if those in the Post Office wanted to upset this meeting they would have suppressed all the applications for tickets, or attended in such numbers as to prevent the meeting from being a success. One can see no reason, therefore, why the Post Office officials should take the trouble to deliver the empty envelopes if they had been guilty of deliberately abstracting the contents. But is your Worship satisfied that out of these 2,500 the nine complained of were posted with the contents in them? One has only to think how long it takes to put stamps on a hundred envelopes to realize what a task it must be to put stamps on that number multiplied by twenty-five—say, 2,500. Then consider the filling. Mr. Bilby and his assistant are, of course, quite confident that every envelope had something in it; but I venture to say that when these gentlemen did not themselves attend to the filling it is more than probable that when dealing with such a large number of addressed envelopes they may not have known that the contents were not in all of them. It is ridiculous for those two gentlemen to say with absolute mathematical certainty that all those envelopes had the contents in them. Apart from that, I cannot see why it should be in the interest of any Post Office official to try to prevent nine individuals out of 2,500 getting what had been posted to them. No one suggests that those specific nine persons were particularly obnoxious to Roman Catholics or to any one else. Why, then, should nine persons—I am speaking, of course, of their supposed connection with this propaganda—why, then, should only nine persons have been selected as victims of a conspiracy to spoil Mr. Elliott's meeting? That is all, with the exception of the four or five individuals who did not receive their envelopes at all. The gentlemen who are interested in bringing these charges will not allow any room for mistakes on their own part, but there is no positive proof which would satisfy a Court of law that the letters were actually posted. Certain lists have been submitted with tick marks on them. I suppose the utmost that can be said is that the persons responsible thought they had filled all the envelopes. It must be remembered that there are several operations before the envelopes are ready for posting. First, the envelope is addressed from a certain list, on which the address may or may not have been correctly given; then there is the operation, by somebody else, of putting in the circulars or tickets; the letters are then put into the boxes for stamping; then follows the operation of stamping. One can see that there is no time for checking. I submit that there is no proof that these matters as alleged did actually occur. One person said his communication was not received till Tuesday morning, but he admitted that both he and his wife were absent from their home on Monday. There is nothing to say that his letter did not reach his house on Monday afternoon. Another gentleman said that "to the best of his belief" he did not receive his letter till Tuesday morning: he did not speak with certainty—it was a matter of belief: this, I submit, would not be proof. In any case, these matters of delay are matters for which the Censor is responsible and not the Post Office. I have said there is no certain proof that the letters were even posted. Mr. Elliott speaks of a Mr. Symons, but there is no one able to say that that particular letter addressed to Mr. Symons had been put in the post. It was among a lot of other correspondence, and no one knows just how or when it was posted. It is difficult to understand, therefore, the nature of the charges Mr. Elliott has made against the Post Office, or what he suggests. He was invited to make his charges as specific as possible. He steadily refused to supply any information. Instead, he continues to make charges of corruption, and, by neglecting to give the information asked of him, places the officers in the Post-office in Auckland under the stigma of being guilty of corruption and neglect of duty. And, as I have said, I cannot see what was the object. Was it, as suggested, a conspiracy on the part of the Post Office officials and the Government to stop his meeting? What object could the Post Office officials possibly have in detaining his letters and delivering the empty envelopes? Is it likely that any official would abstract the contents and deliver an empty envelope, and thus convict himself of a breach of duty? There is another point that I might mention—that is, the evidence given by Mr. Seabrook, a member of the Committee of Vigilance and an enthusiastic supporter of Mr. Elliott's. His evidence was given to support the allegation that the censorship was exercised in the interests of the Roman Catholic Church. Mr. Seabrook took up a lot of time in proving that he had had correspondence with the Post Office in reference to the prohibition of a newspaper called *The Menace*, a publication which I have not seen until to-day. He proved, however, that this paper, which seems to be devoted principally to the objects so near and dear to the heart of Mr. Elliott, was put on the prohibited circulation list upon the advice of the Solicitor-General, obviously for the reason that it contained matter which brought it within the reach of a section of the Post and Telegraph Act. I understand that the Postmaster-General, Mr. Rhodes, who, I dare say, is no more a Roman Catholic than I am, exercised his powers under the section of the Act because he was advised that the paper contained matter indicating that some persons advertising in it were engaged in business of an objectionable character, to say the least. Later on the ban was removed upon the condition that the importation of that newspaper into New Zealand was to be accompanied by an undertaking from the publishers of the paper that public advertisements of the character objected to would not be inserted, and, so far as is known, this condition has been adhered to. That was before the war. It appears, however, that early in the present year a letter from Mr. Seabrook containing a subscription for the paper was held up. The envelope which contained the remittance was

returned, bearing the mark "Passed by the Military Censor," and also the word "Prohibited." Mr. Seabrook and his friends seem to have seen something very sinister in that. It has to be remembered that this paper was being prevented from coming into the country, for the reason given, in 1914. The explanation is simple. Before America came into the war it is probable that much of the correspondence for America contained information of interest to the Germans, and the attention of the Censor was directed towards this correspondence. It is probable that this letter addressed to the publishers in America was submitted to the Censor, who probably opened it, and stamped it "Passed by the Military Censor." Mr. Ostler suggests that because the words "Passed by" are covered by the words "Military Censor" the letter was not passed at all; but the mere fact that the words "Military Censor" appear on it is sufficient to indicate that it was passed by the Censor. Allusion has been made to the fact that it also bore the word "Prohibited." The only explanation of that is the explanation given by the authorities—that is, that the letter was held up and the endorsement stamped on it under a misapprehension. An assurance was given, too, that the two officers responsible for holding up the letter were not Roman Catholics. That should have been sufficient to satisfy every reasonable person, although I do not think Mr. Seabrook is satisfied. It is more than probable that some officer in the Post Office, knowing that this paper had been formerly on the "Index Expurgatorius" of the Post Office—the list of papers that were prohibited—had forgotten that the ban had been removed, and so put on the word "Prohibited." It is quite evident that the occurrence was due to a misapprehension, and that there was nothing sinister about it at all. Since then the paper has continued to pass through the post, and Mr. Seabrook, by this time, is no doubt enjoying the comforts of *The Menace* in exchange for his subscription. That disposes of the charges of improper interference with letters. I do not think I should outline the evidence I propose to call. I will certainly prove that in no case has there been anything to justify these charges. Never in the history of the Post Office, never in the history of the Dominion, have more fantastic charges been made against a public institution, and based upon more frivolous evidence, than Mr. Elliott has brought forward. The inquiry has already shown, first, that the censorship was not established in the interests of the Roman Catholic Church; secondly—and this will be confirmed—that no breach of duty or violation of his obligation on the part of any Post Office official has been proved or can be suggested, except on the part of some unknown individual whose identity Mr. Elliott refuses to disclose, and who apparently has not thought it wrong to violate his promise of fidelity and secrecy in order to communicate some fact to Mr. Elliott relating to the internal working of the Post Office. Mr. Elliott referred to a statement in the order-book, but he has refused to give any evidence whatever which will enable this individual to be identified and properly dealt with by his Department. I say that with that exception—and Mr. Elliott has not thought it beneath his dignity corruptly to use him in formulating his charges—with that exception there can be no suggestion of any single breach of duty on the part of any Post Office official. The result of Mr. Elliott's tampering with a Postal official, and his refusal to supply your Worship with the information necessary to identify him, is that all the officers of the Post Office may be connected in the public mind with this alleged dereliction of duty, and all are placed equally under a stigma and reproach. And what is the result? In view of what has happened there will be a feeling of suspicion in the Post Office of one officer against another because there is one traitor who has not thought it beneath him to consort with the enemy. On behalf of those officers I say that they keenly feel these charges that have been made against them. They keenly feel Mr. Elliott's neglect or refusal to supply the information which would enable a proper investigation to be made. That they have been unable to supply the Chief Postmaster with that information necessary to proper inquiry being made in the prompt manner characteristic of the Post Office is due to no fault on the part of these officers. Though I have no right to speculate as to your Worship's findings, I have no hesitation in saying that the result of this inquiry will be to re-establish in the minds of right-thinking and reasonable people that confidence in the Post Office and its officials which has hitherto always been enjoyed, and has been the pride of the men in the service. From the category of reasonable persons I except, of course, Mr. Elliott and Mr. Seabrook, because I feel certain that no proof, however cogent, will ever satisfy those gentlemen and convince them against their preconceived notions and prejudices.

WILLIAM RUSSELL MORRIS examined.

1. *Mr. Gray.*] What is your full name?—William Russell Morris.
2. You are Secretary to the Post and Telegraph Department?—Yes.
3. How long have you occupied your present position?—For five years, since 1912.
4. Before that you occupied several high positions in the service?—I have been in the Postal service for forty-two years.
5. And in that time you have necessarily served under many Postmasters-General. I desire to ask you whether, in dealing with applications for Postal service, or applications for preferment for promotion, a man's religion is taken into account?—Decidedly not.
6. Have you ever known any instance where a man's religious belief was inquired into by the Postmaster-General or any other officer connected with the man's duty?—No.
7. In making application for Postal service is a man required to state his religious belief?—No.
8. Do you know whether in any branch of the Civil Service there is any such condition?—I am not able to speak positively about other branches of the Service, but I believe I am correct in stating that in no branch of the Civil Service is a man required to state his religious beliefs when making an application for service.
9. Are you a Roman Catholic?—No.

10. Do you know anything, except through personal knowledge, of the religious beliefs of any of your officers?—No.

11. Have you ever endeavoured, either by request of your chief or otherwise, to ascertain the beliefs of the men under you?—No, I never have. It is a matter of entire indifference to me what a man's religious beliefs are. All I require is the efficient performance of his duty.

12. You never take the trouble to inquire what a man's beliefs are?—No.

13. Do you know how many Roman Catholics there are in the Postal service or in the various departments?—I have not the slightest idea.

14. Have you any desire to know?—Not the least.

15. Among the documents put in is a prospectus from the Protestant Political Association, in which a statement is made that the Civil Service is being stuffed with members of the Roman Catholic persuasion. So far as you are aware, is there any truth in the allegation so far as it affects the Post Office?—No, not the slightest.

16. It has been alleged by the Protestant Political Association that members of the Roman Catholic Church are filling many of the positions in the Civil Service, and that as a result there is widespread dissatisfaction. Is there any truth in that, so far as the Postal service is concerned?—I speak of the Post Office, and so far as I know there has been no dissatisfaction. I have not heard of any dissatisfaction in any other branch of the Service from this cause.

17. Do you believe it exists?—I do not. The only condition we require is that applicants shall comply with the conditions in regard to educational qualifications, and to age and fitness.

18. And it does not matter what the man's religion is?—As long as he is able to comply with the other qualifications I am quite indifferent as to what religious views he holds.

19. I want you to state what you know of the censorship established over box 912, Auckland?—On the 16th December, I believe, Colonel Gibbon, Chief Military Censor, wrote to the Post Office directing that a censorship should be exercised over correspondence addressed to that particular box. [Communication put in.]

20. That is the first you had to do with it?—Yes, that memorandum from the Chief Censor.

21. Did the Department act upon that instruction?—Yes. On the 18th December a telegraphic communication was sent to the Chief Postmaster at Auckland directing him to impose a censorship upon literature distributed by the Committee of Vigilance in Auckland. [Letter put in.]

22. That letter which is signed "F. V. Waters" states that the literature is identifiable by a request to return to box 912 if unclaimed?—Yes.

23. What are your duties once you have received a direction from the Censor?—To carry it out implicitly.

24. "Yours not to reason why," eh?—That is so.

25. Do you ever question the instructions of the Censor?—Never.

26. In practice do you know what is done?—The instruction is recorded in a general order-book, which every officer is required to initial as an indication that the instruction has been brought under his notice, and so that the instruction may be complied with.

27. Any matter that comes under the ban is handed to the Postal Censor in that office, and he deals with it in his own particular way?—Yes.

28. Has the Post Office any duty in the matter after the correspondence has been handed to the Censor?—No.

29. The Post Office has performed its duty in handing the correspondence to the Censor, and takes no further action?—Yes.

30. I suppose if the Censor does not suppress the document he passes it?—Yes.

31. Does he always put a stamp on it?—Not always.

32. Have you any reason to suppose there was any departure from the ordinary procedure in this case?—No. I would like to state that the Post Office did not carry out its full duty in reference to the circulars posted early in July.

33. That is a matter in regard to which I propose to ask Mr. Williamson later. Have you ever thought it necessary to inquire into any request for censorship?—No.

34. Is it any concern of yours or your office to know the reason why any particular censorship is exercised?—We never endeavour to ascertain any reason.

35. The direction in reference to the censorship came through you, and you signed the minute?—Yes.

36. Subsequently the Assistant Secretary addressed you, and pointed out the necessity for the repetition of this instruction in consequence of a communication he had received from the Solicitor-General?—Acting upon that I issued another direction.

37. Your minute is dated the 3rd April, and you gave an instruction which was carried out, as shown by the memorandum?—Yes.

38. Was this instruction issued in consequence of some communication from the Solicitor-General?—Yes.

39. You have been connected a long time with the Postal Department, and are familiar with its working and results. I am not going to ask for specific figures, but I understand your Department deals in figures which run into millions?—If you will allow me to refer to my report, the figures for 1915—the figures for 1916 are not yet available—show that in that year the total mail-matter dealt with, exclusive of parcels, amounted to 173,149,509. The parcels dealt with amounted to 2,886,039, making a total of over 176,000,000 postal packets dealt with in the course of the year.

40. Is it the experience of the Post Office that there are many complaints of non-delivery?—No; the number of complaints of non-delivery are very low indeed compared with the amount of traffic. We do not, of course, expect to find complete immunity from error, but the efforts

made to eliminate error have been so successful that it is very low indeed. It compares very favourably with other countries, including British Post Offices.

41. In the course of your investigation of errors in the Post Office, have you not found that a great many of the errors are caused by the people posting the letters?—Yes, that is so; though, of course, I do not wish to disclaim all errors. In the Postmaster-General's report for the year 1915 it is shown that 6,844 inquiries were made during that year into complaints of postal packets alleged to have been posted and not delivered. In the case of 4,582, or over half of the total number of cases investigated, as the result of the inquiries made by the Department the packets were either traced or accounted for. In 1,020 cases the sender was responsible, and in 1,080 cases the addressee was responsible, while in 438 cases the Post Office was responsible. In 2,106 cases the delay or responsibility was not fixed.

42. Do you consider that this is a reasonable proportion on the part of the Post Office?—I think so, and for the people as well.

43. From your long experience as a Postal officer do you find it necessary that the Post Office should have full particulars of complaints?—You could not conduct an inquiry without them.

44. And you should have those particulars while the matter is fresh?—Yes. The Post Office is particularly anxious that complaints should be made so that we should be afforded an opportunity of investigating them.

45. Your Department has always had a desire to serve the public efficiently?—Yes, to the utmost extent.

46. Have any complaints ever been turned down as unworthy of attention?—Not to my knowledge.

47. Some reference has been made to a newspaper called *The Menace* having been delayed or detained after having been sent for by Mr. Seabrook: can you give any explanation of what occurred?—The case was dealt with by the Assistant Secretary at Wellington.

48. Can you give any explanation of the fact that some one thought it necessary to mark the letter sent by Mr. Seabrook requesting the paper to be sent to him "Prohibited"?—I think there were two officers who were responsible for the error in marking it. It is probable that one of the officers forgot that the prohibition had been removed.

49. You know now that *The Menace* was put upon the prohibited list under instructions from the Postmaster-General?—Yes; the prohibition was put on in June, 1914, and removed in August.

50. Section 28 is one of the few sections under which the Post Office is entitled to detain postal matter. If the Postmaster-General has reasonable grounds to suppose that any person in New Zealand or elsewhere is engaged in receiving money relating to horse-racing or to other games, promoting lotteries, receiving money under pretence of foretelling the future, or is engaged in any fraudulent or immoral business, or in advertising directly or indirectly the treatment of diseases of the sexual organs?—Yes.

51. That was the occasion on which *The Menace* came under the ban?—Yes. I may say that the particular paper mentioned is not the only paper that has contravened that section of the Act: the section has also been applied to other papers. When the Post Office knew that there was evidence relating to that particular case action was taken, but it was not taken until the matter had been submitted to the Solicitor-General. Upon the receipt of his advice that the publication should be stopped the ordinary machinery was put into motion. The prohibition was afterwards removed except in respect of copies that contravened the Post and Telegraph Act, 1908.

52. Are there publications published in other countries which are altered so as to comply with the New Zealand conditions before they are sent out here?—Yes; I believe that is the case.

53. That is to say, objectionable matter will be eliminated?—Yes.

54. You have not heard of *The Menace* offending in this respect since the prohibition was removed?—That is so.

55. Therefore it was entitled to the free use of the Post Office since then?—That is so.

56. You issue instructions to your officers regularly, do you not?—We publish instructions to our officers every fortnight in the form of a circular. Every officer has to peruse these instructions, and has to sign them to show that he has made himself acquainted with them. Then there are district orders, and it is the duty of every officer to make himself acquainted with them.

57. I suppose a Postal officer, being human, may sometimes forget?—Oh, yes; I expect some of them might sometimes forget.

58. Is it reasonable to suppose that the officer under whose notice *The Menace* came had forgotten that the prohibition order had been removed?—It seems to be a reasonable explanation.

59. Has it occurred to you that there is any connection between the activities and aims of *The Menace* and the Roman Catholic element in this country?—I have never read the paper, and cannot say.

60. Mr. Ostler.] Have you ever been Chief Postmaster?—No.

61. Then, I take it that you would not know so much about the duties of the Chief Postmaster as the duties of high office?—I have been connected with the Chief Post Office.

62. But most of your experience has been gained at the high office?—Yes.

63. You have never been a sorter of letters in your life?—Oh, yes, I have; I sorted letters for four or five years.

64. Is there any reason why, when these ministers' letters were held up on Saturday morning, the Censor should not have done with them in time to have delivered them on Saturday afternoon?—I cannot say. I can only say that they were handed to the Censor.

65. The Censor is a Postal officer paid by the Department?—He is the Censor, and as such we do not question him.

66. But he is a Postal officer none the less?—Yes.
67. If he came down to work at 10 o'clock in the morning, would some one not have something to say to him?—Not if he was doing work relating to his duties as Censor.
68. Do you control his hours of work?—Yes.
69. His hours are from 9 to 12 on Saturdays?—Yes, I think so.
70. And during that time he would have had time to see whether those letters were or were not innocuous?—I understand that the withdrawal of the prohibition did not reach him till Monday.
71. We have not had that. This complaint of Mr. Elliott's is not the only complaint of this kind that you have had recently?—I am not aware of any particular case. There may be cases dealt with by district officers which do not come under my notice.
72. Was there not a complaint that 205 petitions in favour of six-o'clock closing were posted in Morrinsville and over a hundred abstracted in the course of post?—I never heard of it.
73. Would you hear of it?—I would hear in a case such as that, but nothing of what you mention has come under my notice.
74. Is it possible that the matter was dealt with by the Assistant Secretary?—It is; but I should be very surprised.
75. Is it possible that an inquiry could be going on without you hearing of it?—I should be very surprised if it did.
76. *His Worship.*] Are your duties defined?—No.
77. Is everything submitted to you?—No; I leave it to the discretion of the Assistant Secretary.
78. *Mr. Ostler.*] Do you know of any inquiries being made at Morrinsville?—No.
79. You have said that you do not care what a man's religion is so long as he does his work?—That is so.
80. And you would not know how many Catholics are in your service?—I have not the slightest idea.
81. Have you never heard of friction between the Catholics and the Protestants in your office?—Nothing has ever been brought under my notice.
82. Have you never heard of trouble in the Auckland Post-office?—Never.
83. Is there never any friction about promotion?—There is always friction about promotion.
- Mr. Ostler.*
84. On any religious grounds?—No, not on religious grounds.
85. Have you ever heard of any post-office in New Zealand where, when they wanted extra boys, they have sent round to the Roman Catholic schools and told them?—Never.
86. Do you know that a return was asked for in the House of Representatives recently, asking how many Roman Catholics were employed in the Auckland Post-office?—Yes.
87. Has that return been given?—No, not as far as I know.
88. I suppose your office is charged with the duty of preparing that return?—I do not see how it can: the officers have nothing to guide them.
89. Could you not ask the men employed?—I think it would be a very objectionable thing to do.
90. Can you tell me how those pieces of stamp paper were gummed on to those ministers' letters—
- Mr. Gray:* How many were there?
91. *Mr. Ostler.*] About twenty. (To witness.) Well, can you tell us?—I have heard a suggestion that it was done by the persons posting them.
92. Has the Post Office got within it any device for opening closed letters?—No.
93. What method does the Censor employ to open letters?—I have not the slightest idea.
94. Is there no mechanical device for the purpose?—No.
95. I mean, is there nothing in the room in which the Censor exercises his functions in the form of a device for opening sealed letters?—No.
96. Should not those letters, having been submitted to the Censor, have been stamped "Passed by the Military Censor"?—I do not believe they were stamped in every case.
97. But what purpose could the Censor have in stamping some and not others?—That you will have to ask him, as I do not profess to know.
98. With regard to the stopping of *The Menace* in 1914, can you tell us who complained in the first case?—No, I cannot.
99. You had nothing to do with the complaint?—No.
100. I suppose you keep in your Department a complete file of those complaints?—Yes.
101. It would follow, then, that there was a record of all complaints?—Yes.
102. Also a record of the advertisements to which the attention of the Postal officials has been drawn?—Yes.
103. I am going to ask you to produce that file: will you do so?—If I am ordered to do so.
104. Your counsel has said that you do not want to hide anything: you agree with that, do you not?—That is so.
- Mr. Gray:* I do not object to produce anything so long as it is relevant, but how can it be relevant when you are dealing with matters which happened in 1914?
- Witness:* We would prefer to put it in, although it may not be relevant.
105. *Mr. Ostler.*] With regard to the evidence given by Mr. Seabrook in reference to the stopping of the letter going to *The Menace* in February, 1917, I understand that you do not know anything about it?—That is so.
106. Then, you do not know the reason for the actions of the two Postal officers?—No, I do not.

107. I suppose there was an inquiry into the matter before the Postmaster-General sent the letter to Mr. Scabrook apologizing, and, no doubt, the records of that inquiry will be on your file?—Yes.

108. I am going to ask you to produce that file also: will you do so?—Yes.

His Worship: Of course, you understand that it will not necessarily be produced here, as that would mean sending to Wellington for it, and would cause considerable delay.

Mr. Ostler: I quite understand that, your Worship.

Witness: Would it be sufficient to get a telegram sent up giving a copy of the record?

Mr. Ostler: I think I should prefer to see the file.

Mr. Gray: I do not see what right Mr. Ostler has to inspect the file.

His Worship: Now you are interrupting what I was going to say. I do not think we should consider time or inconvenience, or any one else's convenience. It is a question of whether Mr. Morris thinks these things should be produced.

Mr. Gray: It is for your Worship to say whether these things are relevant.

His Worship: I cannot say till I see them.

109. *Mr. Ostler.* Can you say how long the Postal officer has been the Military Censor in Auckland?—Twelve months, I believe. My reply, however, is subject to correction.

110. Previous to that, was the Censor a Postal officer?—Yes.

111. Another officer performed the duty up till twelve months ago?—The officer who formerly performed the duty was promoted to another position, and his place has been taken by the man now acting.

112. Ever since the censorship has been established the Censor in Auckland has been a Postal officer?—Yes.

113. Is this man also the Telegraphic Censor?—No.

114. What is the reason for the appointment of two men—one for the postal work and one for the telegraphic work?—There is too much work for one man, and they are appointed under different sections of the Act.

115. Why does not one man do both branches?—There is a distinction in every place in New Zealand. That has been determined by the Chief Censor himself.

116. Would it be possible for one man to combine both duties?—I do not think so.

117. There is a letter here received this morning from a man in Wellington, who says that he has been waiting for several months for a reply to a letter that he sent about the 1st July enclosing twelve postage-stamps to the value of 1s. 6d., as he wanted some reading-matter from the association. He has not received the literature, and the Post Office has got the twelve postage-stamps. Can you tell us anything about it?—I am afraid I cannot help you there.

118. The matter is a little more serious than that. When an officer stops these letters, what happens to the money that may be in them?—I do not know; you will have to ask the Censor.

His Worship: That would be a rather interesting inquiry. I think we will leave that for the Censor himself. The money may go to some philanthropic purpose.

119. *Mr. Ostler.* We would like the money back, even if we cannot get the letters. I suppose he would not save it for pocket-money?—That is not likely.

120. The percentage of error in the Post Office is about one in 440,000, or about one complaint in nearly half a million letters?—Pretty good, is it not?

121. The average did not work out so well with those 2,500 envelopes, did it?—I am not prepared to admit that those were postal errors. There has not been an investigation into them yet.

122. I want to refer to Monday, the 2nd April, when the First Assistant Secretary stated that in consequence of a communication from the Solicitor-General he desired to see something done: may I see that file?—Yes.

123. I mean the minute which states "I hardly think this is a case in which the correspondence of the offender should be forbidden passage through the post. Most likely all that is required in this particular case will be secured by submitting the postal matter to the Censor"?—Which I directed to be done.

124. You then made this minute: "Correspondence to this box should be submitted to the Censor in order that anything objectionable may be dealt with." I want you to tell me where the reference is in the Assistant Secretary's minute to this communication from the Solicitor-General?—I understood it to have relation to a communication which I now see before me. The original instruction was issued on the 18th December, 1916. It was found that the Auckland office was not strictly complying with the instruction to submit this matter to the Censor. Mr. Williamson will, however, be able to tell you about that. I know a question cropped up which served to indicate that the censorship was not observed as it should be, therefore it was necessary to repeat the instruction, and that led to the insertion of an order in the order-book.

125. When you say that the Assistant Secretary's minute refers to a communication from the Solicitor-General, do you mean the communication in December, 1916?—No, a later one; because the matter was again referred to him by the Post Office.

126. For advice?—Yes.

127. I suppose you have observed that whereas the first communication to the Solicitor-General referred only to the literature used by this committee, your orders of April directed the correspondence to be censored?—That was because we had no means of determining what was correspondence and what was literature.

128. Who directed you?—The Solicitor-General.

Mr. Ostler: I want that produced. I submit that I am entitled to it, because the Commission is entitled, among other things, to inquire into the reason for the censorship.

Mr. Gray: But not the extent. Mr. Salmond has given the reason, and Mr. Morris has explained that the instruction was that all matter should be submitted to the Censor as it was impossible to distinguish literature from correspondence.

129. *Mr. Ostler:* There is a minute on that file signed by yourself ordering the censorship over the correspondence?—Yes.

130. You say that the Solicitor-General told you to do it?—That is so.

131. Can I see the authority on that file?—Any question affecting the Censor must be referred to him.

132. You refuse to show the order under which the censorship was placed over this correspondence?—That is for Mr. Bishop to say.

His Worship: It is not for me to say.

Mr. Gray: I take it upon myself to say that we cannot question the Censor. We have shown the genesis of the censorship.

Mr. Ostler: The Solicitor-General has given us a reason why he established a censorship over the literature of this box, but he has given no reason why he established a censorship over the correspondence, and that is what your Worship has to inquire into.

Witness: May I point out that it would be impossible to determine the question unless we stopped all the literature.

133. *Mr. Ostler:* You know that sealed letters are held sacred in the Post Office?—The Post Office does not determine any questions of this kind; they hand the letters to the Censor.

134. Is the Post Office going to produce the authority of the Solicitor-General upon which they opened that correspondence? There are directions of the Solicitor-General which he hid from us. He took very good care not to refer to any directions except those which he produced——

Mr. Gray: Mr. Salmond did not suppress or hide anything, or decline to disclose anything, except when he stated that Mr. Ostler was travelling beyond the scope of the inquiry.

His Worship [after quoting from the amended order of reference in regard to the question of censorship]: It seems to me that I have no power to order the production of this particular document.

135. *Mr. Ostler:* I would like your Worship to make a note of that, in case you decide that you have the power. (To witness.) You stated that you wanted nothing hidden?—Yes.

136. Do you not consider your action somewhat inconsistent with that statement?—No, because it affects matters which are purely for the Censor.

137. Mr. Waters said, "I hardly think this is a case in which correspondence addressed to the offender should be forbidden passage through the post." Who is the offender?—I do not know, unless he means box 912.

138. Can you tell us whether the Solicitor-General's instructions to you were in writing?—Yes.

139. You have told us that you did not know the religious denomination of any of the men in your Department?—I said I did not seek to know. It would be incorrect to say that I did not know in some cases. In cases where I am personally acquainted with men I may know.

140. Your testimony as to the number of Roman Catholics in your Department would be of little value?—Very little indeed.

141. Would you say that you have no reason to believe the charge that your Department is being crowded with Roman Catholics?—As I do not inquire, how should I know?

142. Therefore your evidence on that question does not cut much ice?—No; but if there are as great a number of Roman Catholics in my Department as you state, then there must be a greater number of Roman Catholics who are eligible than other denominations. Mind, I only suggest that.

143. I suppose men in subordinate positions are not in the habit of addressing their grievances to you?—I have never refused any officer of my Department an opportunity of discussing any matter affecting the service.

144. But not outside your Department?—No.

145. Then, you would not be in a position to know or hear of any dissatisfaction on the grounds of the number of Roman Catholics in the Service?—Except that it might come to me in the way of gossip.

146. I suppose that a high position such as yours is surrounded by so much awe that the ordinary gossip would not reach you?—I do not know that there is so much awe about the position.

147. But you do not know that the dissatisfaction does not exist?—No.

148. How is it that there was no censorship over box 912 from December, 1916, to March, 1917?—If there was not, it was because of the neglect of those responsible.

149. *Mr. Gray:* Are you in a position to say that there was no such censorship?—No. That would be better known in the Auckland office.

150. Your objection to producing the document relating to the Censor is based upon the ground that it relates to a matter over which you have no control?—Yes.

Mr. Ostler: It is on the Post-office file.

151. *Mr. Gray:* Of course; they have to get directions. I understand there are two classes of censorship, telegraphic and postal?—Yes.

152. Is it not a fact that the Postal Censors are men selected because of their familiarity in dealing with a great deal of correspondence?—I believe that is the case. If you refer to section 27 of the Post Office Act you will find that the Governor has authority to employ Post Office officials. I believe that is why the Postal officers were employed.

153. It was a question of the most suitable men?—Yes.

154. Is there any interference with the man in the exercise of his duties?—None.

155. Is he accountable to you or any Postal officer?—No.

156. You have been asked about a return asked for in the House: has it been given?—As far as I know, no return has been given.

157. Is it likely that a return will be given?—Inquiries would have to be made from every individual in the employ of the Postal Department as to his religion.

158. Then, if any statement has been made as to the number of Catholics in the Postal Department there is no ground for it?—I do not see that there could be, as there is no information to work upon.

159. Is there any probability that any return could have been made in your absence from Wellington?—No; because any information that has been asked for would have to include Auckland also.

160. *His Worship.*] Is the Postal Censor in each place appointed on your recommendation?—No.

161. Who appoints him?—

Mr. Gray: The Governor.

162. *His Worship.*] But he would be appointed on nomination?—Yes.

163. *Mr. Gray.*] What qualifications would appeal to you in nominating an officer?—A man in whom I had confidence and who was reliable in every sense of the word.

164. In the selection for appointment of these Censors was the question generally referred to you?—No; as a matter of fact, I can say that the nomination of nearly all the Postal officers was made before I came back to New Zealand.

165. *His Worship.*] What status in the service would these officers have?—As a rule, I should say they would be clerks in the £260-per-annum grade with about twenty years' service.

166. *Mr. Gray.*] Are you able to say whether the man in Auckland is a reliable and intelligent officer?—Thoroughly.

167. *His Worship.*] I suppose the officers in the Post and Telegraph Department form a large proportion of the Public Service?—Yes, the largest, except, of course, the Railways.

168. I suppose you have no knowledge if the Public Service Commissioner has any knowledge of the religion of the men in the Service?—I am quite sure he has not.

169. *Mr. Gray.*] You say that the Postal Censor is a Postal officer appointed by the Governor: how is his salary paid?—It is paid to the Department.

170. For the time being is he a Post Office official?—No; so far as the performance of postal duties is concerned, if the whole of his time is taken up by his censorship duties the military authorities pay his salary.

171. The Auckland Postal officer may have some time in which he can do Postal duties if required?—Yes.

172. Then, when he is not doing Censor work he is doing Postal work?—Yes; but so far as the Censor work is concerned he is accountable to no one.

173. *Mr. Ostler.*] Before the war broke out is it not a fact that section 27 of the Post Office Act was never used?—I have no recollection of any case in which it was used; it was brought into force for any contingency which might arise.

Mr. Ostler: There is exactly the same section in the English Act.

His Worship: Have you no direct evidence, Mr. Ostler, in regard to the dissatisfaction which you say exists because of the number of Roman Catholics in the Service?

Mr. Ostler: The allegations are not made by me, but they are referred to in that pamphlet. I am not in a position to answer that question just now.

His Worship: I merely asked out of curiosity. I have been in the Civil Service forty-three years myself.

AUCKLAND, TUESDAY, 21ST AUGUST, 1917.

JAMES CHARLES WILLIAMSON, Chief Postmaster, Auckland, examined.

1. *Mr. Gray.*] Your full name, Mr. Williamson?—James Charles Williamson.

2. You are the Chief Postmaster at Auckland, in charge of the Auckland Postal District?—I am.

3. By the way, what is the extent of your district?—It extends from North Cape down as far as the other side of Lake Taupo, almost to Waiouru, and across to Kawhia on the west, and almost to the east coast. There is a strip coming down called the Thames District on the east coast.

4. In area about equal to half the area of the North Island?—I should say so.

5. How long have you been in the Postal service?—Forty years on the 1st July last.

6. And how long have you been Chief Postmaster at Auckland?—Since the 1st April last year.

7. Before becoming Chief Postmaster at Auckland were you attached to the Head Office of the General Post Office, at Wellington?—Yes.

8. For how long?—About twenty-six years.

9. Eventually rising to the position of Chief Clerk, I think?—That was the position I held before I left the Head Office.

10. What staff have you at Auckland?—Individually, or as a whole?

11. Take them in classes first?—The letter-carriers' staff comprises 90 men and 1 woman; in the mail-room there are 60 men and 5 women; on the rest of the staff there are 139 men and 44 women; total staff, 339 (including myself), of whom 165 or thereabout are connected with the handling of correspondence; and in addition those in the registered-letter branch—probably about 30; and in the counter delivery—say, about 4 or 5.

12. How many altogether engaged in handling correspondence?—Close on two hundred.
13. What is the practice of your office with reference to complaints of non-delivery or detention of letters?—The practice is to get as full particulars as possible, and then institute the inquiry with the minimum of delay.
14. Do you desire to have particulars of complaints furnished to you as early as possible after the happening of the event?—Yes.
15. It is prejudicial, you think, to proper investigation being made if particulars are withheld or delayed?—Undoubtedly.
16. Why?—In considering complaints a fair amount depends on memory, for the reason that letters are not recorded, and if those complaints are made early the memories of the officers who are dealing with letters which may have been the subject of complaint are very much fresher than if the charges are delayed.
17. That would apply more particularly to letter-carriers?—Undoubtedly.
18. What quantity of mail-matter is handled in your office at Auckland?—A return which has been prepared for a period of twelve months—
19. *Mr Ostler.*] Prepared for this case?—Not necessarily; it is taken from the returns which are made out annually. It shows that, in the Auckland District, 26,849,017 letters were dealt with.
20. *Mr. Gray.*] Take the case of the Auckland Chief Post-office?—In the case of the Auckland Chief Post-office alone there were 12,338,911 letters dealt with; 2,976,662 book packets; 1,389,167 newspapers dealt with in the Chief Post-office.
21. That is an average of over one million letters a month, exclusive of book-packets and newspapers?—Exactly.
22. For what year is that?—For the year 1916–17; it includes part of 1916 and part of 1917.
23. Up to the end of what month?—I should say, up to the end of March.
24. Your Chief Clerk would be able to speak more particularly?—Yes.
25. During that period what number of complaints have you had: have you any record?—Yes; this report shows that the inquiries for missing letters—and parcels, which I did not mention before—were 1,486.
26. Are you speaking of Auckland or the whole district?—The whole district. The percentage of inquiries to the number of articles dealt with is 0·0004.
27. For the whole district?—Yes.
28. A very small percentage, of course?—Exceedingly small.
29. Now, speaking of your staff generally, are you able to say from the extent of your knowledge of them during the period of sixteen months whether they are capable or the contrary?—I should say, on the whole, they are a capable staff.
30. Have you ever had any occasion to investigate serious neglect of duty?—Not to my recollection.
31. Let us pass on to this particular matter. Do you remember a recent communication over the telephone from the Rev. Mr. Elliott—early in July?—I do.
32. Did he ring you up?—He did.
33. When?—I understand that he rang me up before I got home at night to my private home—I was told so when I reached there; and he rang me up afterwards—at 7 o'clock Thursday night, the 5th July.
34. Did he make a complaint? What did he say?—He made a complaint.
35. Perhaps you will give us the conversation from your recollection of it?—May I refer to a paper?
36. Is that a note you made at the time?—No.
37. Are you able to give a general outline of the conversation?—Yes. Mr. Elliott, in ringing me up, apologized for troubling me at that hour—which, however, did not matter—and said that matters were very serious, that there had been some envelopes delivered without contents.
38. Envelopes from whom—from his association or from himself?—I would not be quite sure whether he mentioned his association or simply said from himself. I agreed that the matter was serious, and put the usual questions to him with the object of endeavouring to find out when they were posted, to whom posted, and all the other particulars. I asked Mr. Elliott also to provide me with a list of the addresses—names of addressees—and, if he had any further posting, to delay it and post the following night, so as to give time for making arrangements for checking the posting going through. He agreed to both requests—that the list should be given to me, and also that the posting should be held up.
39. Did the list arrive?—The list did not arrive.
40. Have you seen it yet?—I have never seen it.
41. The list not having arrived, did you take any action?—Yes; I waited the next day, after going down to the office, for two or three hours, I should say, and then rang up Mr. Elliott and told him that the list had not arrived, that it was required, and asked him to see that it was furnished. He faithfully promised me that it would be down not later than 2 p.m. that day. I made special arrangements that when the list came to hand, if it came to the clerks' room or the Assistant Postmaster, it should come to me at once.
42. You have never had the list yet?—No.
- Mr. Ostler:* Your counsel has had it.
43. *Mr. Gray.*] I have had it since this inquiry was opened. Have you, Mr. Williamson, with the information that has been supplied to you since this inquiry opened, endeavoured to ascertain what was the cause of delay, or alleged delay, in delivery of these letters?—To a very limited extent, because the particulars had not been furnished, of course.

44. But, so far as you have been able to ascertain, have you some information as to a number of these letters. (To Mr. Ostler.) Referring to a number of letters returned to box 912 for various reasons, I propose to prove this particularly by the Chief Clerk. (To witness.) From information supplied to you by your officers, have you ascertained, assuming the information to be correct, that on the 13th July there were returned to box 912 at the Post-office fifty-seven open envelopes containing white cards and circulars all marked, "Gone, no address"?—I have.

45. Whose duty is it to put the note of the cause of the return of a letter on the outside?—Either the Letter-carriers' Branch or the Dead Letter Office.

46. Fifty-seven envelopes were returned marked "Gone, no address," on the 13th July, and no record was kept of the date on which those were posted?—No record was kept.

47. In practice, how long is a letter kept in the Post-office before it is returned to the sender when the addressee cannot be found?—In the case of a "special-request" letter the time is usually seven days.

48. What do you mean by a "special request" letter?—A request to return to a certain address or box within seven days.

49. As these were?—Yes.

50. In addition to those fifty-seven, did you find that there were a number of other letters which were posted on the 3rd and 5th July, and later, which were also returned for the reasons shown upon your list?—Yes, that is so.

51. How many other letters are there besides the fifty-seven shown on your list?—I do not quite understand the question.

52. There are sixteen letters noted here, are there not, in addition to the fifty-seven?—That is so.

53. All letters date-stamped 3rd and 5th July, and later?—Yes.

54. And the reasons shown are various: you might read it yourself?—[List read.]

55. Are these addresses taken from the envelopes themselves?—They were.

56. So that these extra sixteen letters were returned, apparently, by letter-carriers for the various reasons shown in these records?—Yes.

57. Tell us what is the practice with regard to posting, stamping, and sorting letters. We will confine ourselves to the posting at Dominion Road, the only place we have been told about. Are the letters collected by mail-carts or anything of that sort?—The letters are taken out of the posting-box on what we call the midnight clearance, starting about 11.30 p.m., by a chauffeur, put into a small bag, and taken to the motor-car and emptied into the large basket which the car contains. After finishing the round the chauffeur brings them down to the General Post Office and takes them into the mail-room, where they are then placed upon the stamping-table that is close to the stamping-machine.

58. Who takes charge of them when they are put on to the stamping-table?—In the case of a night clearance the night clerk will take charge and face up—*i.e.*, put the envelopes with the stamps in one direction prior to putting them through the machine. They then put them through the stamping-machine, and afterwards the sorters sort them into the divisions.

59. What do you mean by "the divisions"?—There would be certain divisions for certain letters—one for those for private boxes, another for those to be taken out by the letter-carriers, who work in the room above, another division for those to be sent out into the country in the morning mails, and so on.

60. What is the next process?—So far as the night clerks are concerned, they would be finished with them. The letter-carriers' sorters would be the next to deal with them. The sorters who come on at 5 a.m., at the same time as the night clerks leave, would come down from their room upstairs on the first floor and take these letters sorted into their own division up to the letter-carriers' room.

61. How do they take them?—Principally in a basket. The sorters would then take them and sort them again into other divisions: each particular pigeonhole or division would comprise all the letters going to a certain carrier's walk.

62. How many walks are there?—About seventy-five, speaking from memory. The letter-carrier takes the letters away to another part of the room, and then sorts them again so as to have those to be delivered first close at hand.

63. He re-sorts them into the most appropriate method for delivery?—Yes.

64. Then what happens?—He puts them into his satchel provided for the purpose, and goes out and delivers them.

65. His duty is, of course, to deliver them at the addresses shown on the envelopes?—That is so.

66. If he cannot find the addresses, what is his duty?—To bring the letters back and submit them to his officer in charge, with information as to the cause of non-delivery.

67. Have you any reason to suppose that any of your letter-carriers have for any sinister purpose, or from neglect of duty, not carried out their instructions with regard to the correspondence posted in the first week in July?—None whatever.

68. A number of envelopes have been submitted here in the course of this inquiry; you made an examination of them, I think. We have been supplied with a list showing nine persons said to have received empty envelopes. The first is Mr. Shackelford. We have been told that when this envelope was delivered the flap was in some particular condition—the flap out, I think—Mr. Mackrell's evidence. Look at that envelope: what do you want to say about it?—I think there is proof here that when that envelope passed through the stamping-machine the flap was out.

69. Will you say why?—When a letter passes through the stamping-machine it has to pass between two rollers. The roller on one side bears the type—the postmark. On the other side there is a plain roller which has bars and helps to bring the letters through the machine. Sometimes the ink gets on to the roller at the back. In this case I judge the ink has got on the roller, and the ink is showing on the envelope.

70. If the flap had been in, would any part of that ink bar have shown?—A certain portion on the outside, but none on the inside—the flap.

71. In your opinion, judging from that, are you able to say in what condition the envelope was received in the post-office?—I should judge it was received with the flap turned out.

72. Take the next on the list—the letter addressed to R. H. Fisher?—That is a similar case.

73. A similar case of stamping with the flap out?—Exactly.

74. Then the letter addressed to J. H. Hannan—anything to say about that?—A similar case, only much more pronounced. It will be seen that if the flap had been turned in the mark would have shown on the back of the envelope and very little on the flap.

Mr. Ostler: Mr. Hannan said the flap was out when he got it.

Witness: Mr. H. Symons: that is a similar case.

75. *Mr. Gray.*] Mr. Symons, I think, is the gentleman whose envelope Mr. Elliott said he dealt with himself—careful to see it was properly filled, &c. You heard his evidence?—Yes.

76. Any more of this batch?—No more.

77. That shows that four out of these nine, in your opinion, were posted with the flaps out?—That is my opinion.

78. It has been alleged that a number of envelopes were received by persons to whom they were addressed bearing pieces of stamp paper on the backs: one or two examples have been put in—you have two there, I think, one addressed to the Rev. Knowles Kempton and one to the Rev. Reuben Bailey: you observe that each of those has a piece of gummed stamp paper on the back. Is there anything there to suggest to you whether that paper was put there before or after posting?—

Mr. Ostler: Do you suggest that we put that on?

Witness: I cannot answer that question definitely, but I think I can say that before these letters I have in my hand went through the stamping-machine the gummed paper was on

79. *Mr. Gray.*] Why do you say so?—The impression of the back-pressure roller is showing, indicating that when the letters went through the stamping-machine the gummed paper was there, because the impression appears on the gummed paper. If the gummed paper had been put on after the envelopes went through the machine the impressions would have shown underneath the paper.

80. That applies to both?—That is so.

81. The stamping is one of the first processes after the letters are received in the post-office?—The facing-up is done first; then they are put through the stamping-machine.

82. Are you satisfied in your own mind in respect of those two that when they reached the stamping-machine they had the gummed paper on?—Quite.

83. Is there any trace, in your opinion, of those letters having been opened where the flaps have been gummed down?—I do not think they have.

84. What do you infer from those circumstances?—I infer that these pieces of stamp paper were on the envelopes when they were posted, one of the reasons being that there would hardly have been sufficient time between the letters being received in the post-office and passed through the stamping-machine. That operation is done, as a rule, very quickly.

85. Do you see any reason why those letters—apparently closed letters—bearing 1½d. stamps, should be opened in the post-office between the time of the chauffeur bringing them in and the stampers getting to work on them?—No reason whatever.

86. Is that kind of gummed paper familiar to you?—Very.

87. What is it?—Stamp edging—that is to say, the portion of sheets of stamps on which the stamps are not printed.

88. And I suppose that persons posting a large number of letters would provide themselves with large sheets of stamps?—That would be the custom, I should say.

89. And those generally bear the gummed edging?—Yes.

90. Are the perforations showing?—Yes, on each one.

91. Is it reasonable to suggest that the persons engaged in the process of closing these letters would put on pieces of this perforated gummed paper for the purpose of securing these flaps down?—

Mr. Ostler: That is not a fair question.

His Worship: Does he say that they did?

Mr. Gray: Of course he cannot say.

Mr. Ostler: It is a question of comment.

His Worship: Leave it to the evidence.

92. *Mr. Gray.*] There is another envelope: does that show the difference between an envelope stamped with the flap in and these with the flap out? Is there not a back mark on it?—The flap in that case, I should say, has been turned in.

93. Is not that an impression carried by the back roller?—That is so—showing when the flap is turned in. The others, when the flap is turned in, would not show.

94. You have a complaint, I think from Mr. Gailey, of non-delivery of his letter?—“Mr. Gailey,” the name is.

95. I produced this in the course of the cross-examination of one of their witnesses. Did you receive a complaint from a Mr. Gailey of the non-delivery of a letter?—Yes; Mr. Gailey, Mount Albert Road, Mount Albert; date of inquiry, 11th July. He complained that a letter addressed to H. Sydney, box 912, at the Auckland Chief Post, unregistered, posted by himself, and stamped, and containing a card, was not delivered to the addressee. Inquiries were made, and the following reply was sent to Mr. Gailey: “It has been ascertained that your communication to Mr. Sydney was duly received. The addressee states that the white card which was enclosed in

the envelope is now with him, and that in response to it two tickets were sent to you at Mount Albert Road. These you now have; they were, I understand, contained in an envelope addressed to J. Garley."

96. And is this the envelope, in which you were informed that the tickets were contained, addressed to Mr. J. Garley, not Mr. Gailey—address Mount Albert Road?—Yes, to the best of my belief.

Mr. Ostler: We are making no complaint.

97. *Mr. Gray:* I am showing this as an instance of incorrect addressing. You were able to deal with that promptly because you got some particulars from the complainant?—Yes. The letter was posted on the 6th; we got full particulars on the 11th; the complainant got a reply on the 20th.

98. Is there not some envelope not stamped?—I saw in the course of the inquiry one of the covers—

99. Is there anybody else who can speak specifically?—I think it was put in as an exhibit.

Mr. Ostler: That was not posted by Mr. Bilby. It is not one on which we depend. It was one posted subsequently by Mr. Dupree. I just produced it for another purpose.

Mr. Gray: It just shows what can be done.

His Worship: We all know that mistakes will happen.

100. *Mr. Gray:* Have you had any experience of persons sending out large numbers of circulars and not being careful about stamping?—It has been reported there have been quite a number of cases: a few of them have been taken out.

101. Name a few without giving the names of the offenders?—In No. 1 case, 30,000 circulars, a number posted without address; in No. 4 case, 32,491 circulars, also a number posted without address; in No. 5 case, 3,852 envelopes, a number posted without contents; in No. 6 case, 4,017 envelopes, a number posted without contents; in No. 7 case, 6,603 circulars, a number posted without address; in No. 9 case, 12,630 circulars, a number posted without address; in No. 10 case, 9,858 circulars, a number posted without contents; in No. 19 case, 10,260 circulars, a number posted without contents.

His Worship: In every case we must assume there is room for error occasionally, especially where they pass through a number of hands.

Mr. Ostler: Is that going to be put in?

His Worship: I do not think it is of any value.

Witness: Perhaps the case I have here will be of greater value.

102. *Mr. Ostler:* Is that in Auckland?—In Auckland since the 1st June, 1917. On the 6th August, shortly before 5 p.m., there were 300 addressed envelopes without contents left in one batch. We ascertained—at least, we surmised—that owing to some others having been presented from a certain firm, these also belonged to them. We made inquiry, and got the minute back, "The envelopes are ours; many thanks."

103. *Mr. Gray:* So that your office has the common experience?—

His Worship: Of the liability of people to make mistakes.

Witness: I may say, Mr. Gray, if it is admissible, that it is reported to me by a reliable officer that the number of cases in which contents are not put in would probably exceed two thousand in a year.

104. *His Worship:* And wherever possible you correct these mistakes?—We have a special form which we send forward to the addressees asking them to name the contents, so that, if they become loose, we can return them.

105. *Mr. Gray:* So far as you know, is every precaution taken to see that letters properly addressed reached their destinations, and that letters, if open, or if the contents are absent, are noticed?—Very strict notice is taken. We even go so far as to refer these cases down to Wellington, so that in case the contents reach the Dead Letter Office there inquiry can be made.

106. I want to come to the question of censorship: do you recollect receiving from Wellington on the 19th December last an instruction that the literature of box 912 should be submitted to the Censor?—Yes.

107. Pursuant to that instruction was an order put in the order-book?—Not immediately. An order was sent down to the mail-room immediately.

108. An order in writing, I suppose?—A typed order with my name to it.

109. And sent to the mail-room to be posted up for information?—Yes.

Mr. Ostler: Have you a copy?

Mr. Gray: We will show you the original.

110. *Mr. Gray:* Has that identical order since been taken from the mail-room wall and pasted into the order-book?—That is my belief, Mr. Gray.

111. This you believe to be the order originally posted up and subsequently pasted into the order-book?—Some time before the 11th January, 1917.

112. It appears to have borne a date, 19 over 12: if that is correct it would be the 19th December. The order originally bore your signature?—Not my signature; my name. One of my clerks signed for me. The Chief Mail Clerk had the telegram which arrived, and gave instructions accordingly, as he was instructed to do.

113. You received instructions by telegram, a copy of which was put in, and you gave instructions accordingly?—That is so.

114. Do you understand that this particular order was, at a later date, put into the order-book and signed by the various clerks?—I understand so.

115. Who could prove that?—Mr. Rudd may be able to say so. The officer who was Chief Mail Clerk then has been transferred.

116. In consequence of some communication from Wellington did you renew the instruction?—I did.

117. And was an order put into the order-book on some later date? Is this the order, dated the 24th March, 1917?—Yes, that is it.

118. It is a duplicate—carbon copy—of a typed copy signed by you, for your own file?—That is so.

119. That is signed by all the officers, I suppose, who have to deal with mail-matter, as indicating that it has been brought to their attention?—Exactly.

120. We were told yesterday by Mr. Morris that instructions were given to you from Wellington on, I think, the 5th April?—Yes, that is so.

121. You appear to have anticipated that instruction: was it telegraphic?—No, by letter.

122. You received a letter from the Post Office, dated the 5th April: how came you to anticipate that particular order?—That is a matter which probably the Chief Mail Clerk can best answer, because he received instructions from me to give the matter attention.

123. *Mr. Ostler.*] That is to say, he carried out the orders before they were given?—No; I said that in consequence of orders from Wellington I gave that instruction.

124. *Mr. Gray.*] Was there not some communication from Wellington prior to the 5th April?—Yes.

125. A portion of the Head Office file had been referred to you, and in consequence you renewed the instruction?—Exactly; I deemed it necessary to renew it, because search made at the time failed to trace the original instruction, and it was assumed—erroneously—that the instruction had not been given, whereas it had.

126. For reasons which you thought were sufficient, you decided to renew the instruction on the 24th March before you got another specific instruction from Wellington, dated the 5th April?—Yes.

127. The first part of this reads as follows: "Literature distributed by the Committee of Vigilance, post-office box 912, is to be submitted to censorship. The literature may probably be identified by a request on the cover to return letters, &c., if unclaimed, to box 912, G.P.O., Auckland, or the cover may bear the words 'Committee of Vigilance.'" That is a repetition, is it not, of the order of the 19th December?—It is.

128. "Please see that all correspondence posted at Auckland, or detected in transit, is submitted to the Postal Censor." Who is responsible for that addition?—I am.

129. Why did you think it necessary to add those two lines?—The instruction as it came was an instruction to me as Chief Postmaster. The addition was an instruction from me to my officers.

130. In your opinion was it possible to identify literature as such, if that means pamphlets, without examining all correspondence?—Quite impossible.

131. Why?—Because literature may be sent in closed envelopes just as readily as in open envelopes.

132. Now, since the revival of this order on the 24th March, has all correspondence, as far as you know, known to come from box 912, or addressed to box 912, been submitted to the Postal Censor?—I may say it has not.

133. How was that?—From want of memory on the part of some of the officers.

134. Would that apply to the night staff or the day staff?—It might apply to both, but it happens to apply particularly to the night staff.

135. The night staff is very small?—Two clerks.

136. On duty until 5 a.m.?—Yes.

137. Do you suggest that one of the numerous orders in this book may have been overlooked or escaped attention?—I should say it was quite possible.

138. Box 912, however, has not suffered from that lapse of memory?—On the contrary.

139. Are you able to say whether the circulars posted on the 3rd and 5th July, bearing the address "Box 912," were submitted to the Censor?—To the best of my knowledge and belief they were not.

140. Is there any one in your office who can say definitely?—One of the witnesses—Mr. Rudd—can say.

141. You have been informed by your officers that the circulars were not submitted. Do you know anything about the submission of the closed envelopes posted on the Friday night?—I understand 260 were submitted to the Censor on Saturday morning.

Mr. Ostler: Surely that is the Censor's evidence. He is speaking from what he does not know.

His Worship: Official reports made to him. They can be verified after.

142. *Mr. Gray.*] Two hundred and sixty closed envelopes submitted to the Censor posted on Friday night: anything else?—And 200 on Monday. I would not say exactly about the numbers, but 460 altogether on those two days.

143. We may take it, I suppose, that the holders of box 912 are not the only persons whose correspondence is censored in Auckland?—

His Worship (on being referred to by witness): You are not asked to give particulars.

Witness: No, not the only persons.

144. Since the censorship has been established what has been the practice in your office with respect to mail-matter coming through for persons whose names are included in the order to censor?—The mail-matter has been held up by the clerks who were doing the sorting, and, as a rule, submitted to their executive officers, and then handed over to the Censor.

145. After that, have you any further concern with it?—None whatever: it immediately passes from the control of the Department to that of the Censor.

146. Now, the Censor in Auckland is Mr. Clouston, is he not?—That is so.

147. He was formerly Censor in some other part of New Zealand, was he not?—I believe, in Christchurch.

148. He has been for many years a Postal officer?—That is so.

149. And part of his time is engaged in postal duties in Auckland?—Yes.

150. In the matter of censorship have you ever exercised, or attempted to exercise, any sort of control over him?—Never.

151. Have you any knowledge of his methods?—None whatever.

152. Has any communication of his practice or instructions from the Chief Censor been made by him to you?—No.

153. Does Mr. Clouston inform you what instructions he receives from the Chief Censor?—No.

154. Or his methods in dealing with correspondence?—No.

155. Or of the contents of any censored matter?—No.

156. Is there anything you wish to add? You have the separate reports there, I think, upon the various instances of alleged non-delivery. Perhaps they could be better spoken to by Mr. Rudd?—They could be spoken to by each witness.

157. Very well: is there anything else you wish to say?—Perhaps you might mention these to His Worship as instances of mistaken complaints.

158. Just briefly tell us what they were, without giving the names?—One case was a complaint made on the 26th July—quite recently—that a certain letter had not been delivered. It was subsequently proved, on inquiry, that the letter had been delivered, but to a brother of the addressee. He put it in his own coat-pocket, and it was found about a week back. In another complaint, dated the 14th July, it was stated by the complainant that he saw the address written on the packet, and also that before he posted it he looked at the address. The article was missing—eventually it turned up, and there was no address of any kind whatever on it.

159. These are examples for His Worship of mistakes. You have had instances, I think, of misaddressing to yourself?—A sender apparently copied my address from a parcel-card, and yet he put down “J. C. Williamson, Chief Postmaster, Wellington,” instead of “Auckland.” I have another instance of a letter addressed “Mr. Biss, General Manager, Post Office, Auckland.” Mr. Biss left the Service in 1901 or 1902, and yet the letter got to its destination—that is, to me, for whom it was intended.

160. *Mr. Ostler.*] How did it get to the correct address?—It got to the person for whom it was intended.

161. *Mr. Gray.*] Do you say it is not an uncommon experience for people to make mistakes in addresses?—Not an uncommon mistake by any means.

162. *Mr. Ostler.*] I understand you to say that on the 23rd March you caused an order to be put in the order-book ordering the censorship of correspondence of the persons using box 912?—That is so.

163. Can you produce the instructions that you had had up to that date, either from the Military Censor direct or from the head of the Post Office?—I had no communication from the Military Censor at all.

164. All the communications come through the channel of your Head Office?—Yes.

165. Will you produce all the instructions you had up to date 23rd March from the Head Office?—All that I have I can produce; but I have got to say that part of the Head Office file was referred to me on one occasion, and, of course, all the minutes on it and my replies were sent back to the Head Office.

166. Well, the Head Office file is here—Mr. Morris was referring to it yesterday. Will you produce all the instructions you had from the Head Office up to the 23rd March, 1917?—Yes. That is the first one.

167. The first is a telegram of the 18th December, 1916 [telegram read]. Had you any further instructions besides that up to the 23rd March, when you caused that instruction to be put in your order-book?—No.

168. Do you not see that that instruction refers to literature, and literature only?—Quite.

169. Do you not know from your forty-odd years' experience as a Post officer that a marked distinction is always drawn between literature and postal packets not sealed, and sealed letters?—No.

170. Pass me the Post Office Act, please. Do you really say—with all your experience as a Post officer—you do not know how sacred a sealed letter is held by every Post officer?—I know how sacred it is held.

171. Do you not know that throughout the Act a distinction is drawn between a sealed letter or packet and any other postal packet?—Yes.

Mr. Gray: You asked whether there was not a marked distinction between literature and other sealed letters.

172. *Mr. Ostler.*] You remember section 30 of the Post Office Act: “Where the Postmaster-General or any Postmaster has reason to suspect that any postal packet (*other than a letter or a letter-card*) addressed to any person (either by his own or any fictitious or assumed name), or to any address without a name, posted in New Zealand or elsewhere, contains or is supposed to contain any printed or written matter of any kind, or any enclosure of any kind . . . which is of a libellous, blasphemous, indecent, or immoral nature . . .” You know that section?—I do.

173. Does it not draw the greatest distinction between a sealed letter and other postal packets such as circulars?—It does.

174. And you know that a sealed letter is a sacred thing, not to be opened by any Post officer?—Yes.

175. You know that the Postmaster-General himself cannot open a sealed letter?—Yes.

176. Then, without any instructions whatever to open the correspondence of this box you ordered that correspondence to be opened?—

Mr. Gray: No, certainly not.

177. *Mr. Ostler:* The first part of your order is these words: "Literature distributed by the Committee of Vigilance, post-office box 912, is to be submitted to censorship . . . Vigilance." Now, so far, those were the instructions you got from the Head Office. Now, these words I am going to read you say you added: "Please see that all correspondence posted at Auckland, or detected in transit, is submitted to the Postal Censor." Do you not see the difference between "correspondence" and "literature"?—No, because literature may very well be put up in closed envelopes.

Mr. Ostler: It does not matter if it is; if it is in a closed letter you admit you know it is sacred.

Mr. Gray: He has not said so. That is your explanation of it.

178. *Mr. Ostler:* Do you not know that correspondence in a sealed letter, whether literature or letters or anything else, is not to be opened on pain of dismissal?—Do you mean, not to be submitted to the Censor?

179. Not to be opened. Do you not know that is the law under which you have been working forty-odd years?—I do; but I fail to see the bearing.

180. Do you not know that in that order you went beyond the instructions of the Censor in that you ordered correspondence—that is, sealed letters—to be submitted to the Censor?—No, I do not know.

181. I am afraid I do not understand English words, then. Now, subsequent to your giving that order you received a further order from the Head Office: would you mind producing it—about the 5th April, 1917?—This is the original.

182. It is a memo. of the 5th April, 1917, from Mr. Waters, First Assistant Secretary [memorandum read]. You have referred it to the Chief Mail Clerk for attention, and then Mr. Rudd has put on a memo., "The Assistant Postmaster; necessary action taken." Did you put a further order in the order-book on receipt of that order of the 5th April?—I gave the necessary instructions to my Chief Mail Clerk.

183. Did he carry them out by putting an order in that order-book?—He will be able to say that.

184. You will be able to say: you have the order-book in front of you?—As far as I know, he did not.

185. Why did you not answer the question at once: that does not look like frankness?—I want to speak from my own knowledge.

186. I suppose Mr. Rudd would report to you that it was done?—I have reason to suppose it was not done.

187. Have you not looked through that?—It is not indicated there.

188. You must have looked there to see whether it was?—No, not precisely.

189. Have you received since the 5th April any subsequent instructions from the Head Office with regard to the censorship of the correspondence of this box?—No.

190. Is it not a fact that all instructions which come from the Military Censor to the Postal Censor at Auckland are communicated through the Head Office to you, and by you to the Postal Censor?—No.

191. How, then, does he get to know them?—That I cannot say.

192. Does he read the order-book?—It would be open to him to do so, though it is kept in another room.

193. As a matter of fact, would he not have to sign this order-book, being a Postal officer?—No.

194. What is the Censor's name?—Clouston. [Book examined and name not found.]

195. Why did he not have to sign the order-book, being a Postal officer?—Because he would not deal with correspondence as a Postal officer. It is our mail-room officers' book. He is not in the mail-room.

196. Referring to the first instructions given, which were pasted in on page 183 of that book—that is to say, the instructions given that "Literature distributed by the Committee of Vigilance is to be placed on Chief Mail Clerk's table. It will be identifiable by the request to return, if unclaimed, to box 912"—referring to that—that was the first instruction given—why on the Chief Mail Clerk's table?—Because the Chief Mail Clerk in ordinary course would be the executive officer who would deal with it.

197. But the instructions you had received the day before were that that literature was to be submitted to the Censor—that was the Military Censor. Should not the instructions have been that that literature was to be submitted to the Censor?—It was not necessary to instruct the subordinate officers to that extent; but the Chief Mail Clerk himself was instructed, and got a copy of the telegram.

198. It was not necessary to instruct subordinate officers that this literature was to be submitted to censorship?—Not absolutely necessary.

199. Why did you find it necessary to do so on the 24th March?—It was a variation of instructions. Instructions are not necessarily always given in the same words.

200. On the 24th March you followed the instructions; the day you originally received the instructions you did not follow them?—This paper shows that I did.

201. I say you did not, because it says the literature was to be submitted to censorship; your instructions were that it was to be submitted to the Chief Mail Clerk?—Whose business it was to send it to the Censor.

202. There seems to have been some laxity there. Have you not an order in that order-book, about the 6th July, on the subject of the censorship of the correspondence of this box?—Yes, that is correct: “It has come under notice that a large number of envelopes containing circulars superscribed ‘If not claimed within seven days please return to box 912’ are passing through the post. A short time ago specific instructions were given that mail-matter so superscribed was to be delivered to the Censor. This instruction has been ignored, and the officers at fault will be severely dealt with.—J. C. WILLIAMSON, Chief Postmaster, 8/7/17.”

203. Why did you find it necessary to put that in the order-book?—Because I found the previous day that circulars had been passed and the previous order forgotten.

204. The day before, I think, Mr. Elliott had rung you up?—That is so.

205. You did not say anything to him about the instruction you had to hang up these circulars, I suppose?—To submit them to the Censor, you mean? No, I did not.

206. Is there not a further instruction still from the Head Office with regard to some of these letters?—Addressed to the Chief Postmaster?

207. I do not know whom addressed to?—No.

208. Why, then, did Mr. Morris say—I think it was Mr. Morris; I do not want to do him an injustice—in regard to the letters to the ministers that were held up over the week end, that in that case the censorship was not lifted until Monday, 9th July? Were there instructions to lift that censorship?—The instructions, I take it, to lift the censorship would be to the Censor himself.

209. You know of them because Mr. Morris knew of them. You must have those instructions there?—The telegram was on the 9th July: that was the instruction to release.

210. I thought you told me just now that there were no instructions to the Post Office—that if there were any instructions they were to the Postal Censor?—What I understood you to mean was instructions to the Censor.

211. Quite so; but this is a telegram addressed to you personally?—Quite so—to release.

212. It is addressed to you, and it is dated the 9th July, 1917; and it says, “The Deputy Chief Postal Censor informs me that the Censor has been instructed to release the circulars of the Vigilance Committee. Deliver in the usual way.” You know perfectly well it is a Post Office instruction.

Mr. Gray: Pardon me; that was not a Post Office instruction. Mr. Waters says, “The Deputy Chief Postal Censor—”

Mr. Ostler: Here is the instruction addressed to Mr. Williamson himself.

Mr. Gray: That was plainly that the Censor at Wellington had instructed the Censor at Auckland, and consequently the Chief Postmaster was instructed to deliver in the usual way.

Witness: Otherwise the matter would go back to the Censor.

213. *Mr. Ostler.*] I understood you to say in answer to Mr. Gray that the circulars had not been submitted to the Censor?—As far as I knew the circulars had not been submitted to the Censor.

214. How does that square with Mr. Morris’s reply that the censorship was not lifted until Monday, the 9th July?—Probably that is a matter that rests with the Head Censor.

215. Now you say you are ready to swear here that no censorship was placed on those circulars, and yet here is a telegram from Mr. Waters, “The Deputy Chief Postal Censor informs me that the Censor has been instructed to release the circulars.” Do you still say, in face of the contents of that wire that you received, that the circulars were not submitted to censorship?—

Mr. Gray: It was a misapprehension on the part of Mr. Waters.

Mr. Ostler: Mr. Waters made the mistake—not Mr. Williamson?

Mr. Gray: I am not saying it was a mistake—it was a misapprehension.

216. *Mr. Ostler.*] Where does the Postal Censor do his work in your post-office?—In the clerks’ room.

217. A clerk’s room?—The clerks’ room.

218. That is, the Chief Clerk’s room?—Yes. It is the room where all the clerks of my particular office work.

219. In the room occupied by all the clerks?—Yes.

220. He does not have a private room to himself?—No.

221. What are his hours on Saturdays?—From 9 to 12, or, I understand, as much more as he likes to work.

222. I suppose he does not like to work much more on Saturday afternoon?—I could not say.

223. The work that he does is not done in secrecy—I mean the other clerks can watch him at his work?—I could hardly answer that.

224. You have been in there, I suppose, and have seen other clerks there?—Very occasionally I have been in.

225. And seen him at work and other clerks there?—Yes.

226. Can you say how he manages to get letters open—what device he has?—No.

227. I suppose it would occur to you it is pretty difficult to get a letter open without steaming it—without some steaming-device?—Yes.

228. And also that between forty and fifty letters addressed to ministers were opened and closed?—I do not know that they were.

Mr. Gray: Who has said they were opened? This is the first time it has been said.

Mr. Ostler: Mr. Williamson denies they were opened.

Mr. Gray: Except by themselves—the addressees.

Mr. Ostler: What is the value of a censorship if you do not open the correspondence?

Mr. Gray: Your clients have had the benefit of that.

229. *Mr. Ostler.*] You say you do not know of any device which the Censor uses to open letters in the post-office?—I do not know of any device which the Censor uses.

230. Do you not think that if the Censor was at all an efficient officer he could have seen by opening one or two of these letters that they contained innocuous matter, and sent them on in time for Saturday's delivery?—I have no control over the Censor.

231. I know; but I am asking you, as a fair-minded man with forty years' postal experience, do you not think it would not have been a very difficult thing?—I do not know that I can say anything for the Censor or against the Censor. I am ignorant of what he does.

232. Is it not a fact, by regulations, that when through some trouble in the post-office letters are delayed you pride yourself on getting out a special delivery?—A special delivery of any delayed letter?

233. Yes, of letters delayed through something going wrong in the post-office?—We do it on occasion.

234. Upon every occasion you can?—Yes, practically, if it is the Department's fault the letters have been delayed.

235. It must have been apparent to the person who examined those letters that they were perfectly innocuous, and it was important they should be out before Monday?—The Censor does not report to me in any way whatever. I have no control over him.

236. There is a Saturday afternoon delivery in the city, is there not?—No.

237. Not in any part of Auckland?—No.

238. Only Saturday morning?—Yes.

239. Can you explain how it was that when the censorship of this correspondence was lifted on the Monday some of the letters did not reach the addressees until Tuesday morning?—We do not admit that the Post Office was to blame if they did not reach the addressees until Tuesday.

240. Why not?—Because they were all sent out on the Monday afternoon.

241. How do you know that?—By an examination which the assistant officer in charge of letter-carriers made of the cases and of the tops of the cases after the letter-carriers had gone.

242. What do you mean by "the cases"?—The letter-carriers' cases in which they keep the letters for delivery.

243. Is there anything on the letters indicating when they were sent out from the post-office?—No.

244. Not at all?—Nothing. They were in time for the letter-carriers' delivery, and they were supposed to go out immediately.

245. What time do the letter-carriers go out in the afternoon?—Most at 2 o'clock.

246. Any before?—Yes, there probably would be. There is a delivery, I think, at 12 o'clock.

247. Then did any go after 2 o'clock?—No, not to my knowledge.

248. Then did not every letter there go out in time for delivery on Monday afternoon?—Yes.

249. How is it that, at any rate, some of them were not delivered until Tuesday morning?—Has it been proved that some of them were not delivered until Tuesday morning?

250. The Rev. Bailey gave most positive evidence that his letter was not delivered to him until Tuesday morning?—The Department does not admit it.

251. I can quite understand how you get so low an average in the yearly return when a thing like that is proved in the Court and you will not admit it. Mr. Bailey gave evidence that he himself received that letter from the postman on Tuesday morning. Some of them must have gone out on the Monday morning, I suggest to you?—I think not—unless they were passed and not submitted to the Censor.

252. I just picked up the first one here and turned it over, and I find it bears the Takapuna postmark, 9th July, 2 p.m. It could not have got that postmark on it unless it left the post-office some time in the morning?—I can explain: the mail goes over at a quarter past 1 o'clock.

253. At any rate, we have your admission that every one of those letters was sent out from the General Post Office in Auckland in time for the afternoon delivery over Auckland and suburbs. Can you explain why none of these letters bear the words "Passed by the Military Censor"?—No, I cannot.

254. Do you not know anything about any regulation?—None whatever. It is a matter entirely for the Military Censor.

255. He can put it on or not, just as he likes?—As far as I know. As a matter of fact, I do not know anything about it.

256. I want to go on to the cases of empty envelopes. When a box is cleared at half past 11 on a Friday night, at what time do the letters cleared from that box or that outlying post-office reach the General Post-office here?—About half past 1 or 2 o'clock.

257. Where do they go first in the Chief Post-office?—They are placed by the chauffeur on the stamping-table.

258. And when are they stamped—straight away?—If the night clerks have time they are stamped straight away—that is the rule.

259. That might be the rule, but is it not the practice not to stamp them for two or three hours?—Not to my knowledge.

260. How comes it, then, that the postmark on all those letters is 5 a.m.?

Mr. Gray: Some are 3 a.m.

Witness: It is quite easily explained: after 1 o'clock the stamp is changed to represent 3. Anything coming in between 1 and 3 would bear "3 a.m." Anything coming in after 3 and before 5 would be stamped "5 a.m."

261. Mr. Ostler.] I will show you these envelopes which we have sworn evidence were posted at 11.20 p.m. at the Dominion Road Post-office on the 6th July, and therefore ought to have reached the General Post-office between 1 and 2 a.m.: you will see that every postmark there is 5 a.m. [ministers' letters]?—That is quite so.

262. Can you explain the postmark "5 a.m." when they were posted at 11.20?—No, I cannot; but the clerks who dealt with them can probably explain.

263. You will admit this: that letters can lie in the General Post-office for some hours before the postmark is put on them?—Anything after 3 is marked "5 a.m."

264. Take you on your own figures—1.30 or 2 o'clock to slightly after 3?—I might suggest a reason for it—

265. I am not saying that is wrong?—I might suggest a reason, only I think it would be more satisfactory to get it from the officer who was responsible.

266. Just to go back a moment on the ministers' letters: if the Rev. Frederick Warner is prepared to swear that he got his letter out of his box at 9.30 Monday morning; would not that show that some of those ministers' letters were released on the Saturday?—It might show that some of them were not handed to the Censor.

267. Surely that will not "wash." In that case that would have been delivered on Saturday morning?—Has that statement been proved?

268. No. I am prepared to prove it, if necessary—it has only just been put into my hand. I did not call all these, only Mr. Gray admitted some of them did not get their letters in the morning?—I would be in a better position had particulars been furnished at the time.

269. Would you mind going on telling me what the practice is when the letters come in: they are put through the machine, you say?—They are turned out on the stamping-table and then put through the machine. After that they are sorted up by the night clerks into the divisions.

270. The night clerks—what are they called?—That is the usual term for them. They are ordinary Post Office clerks.

271. How many clerks work at that work at night?—Two.

272. They work together side by side?—Not necessarily.

273. Do their duties take them a little apart? Is it not a fact that they work at different tables?—Yes, on occasions.

274. And the tables are so placed that they must work back to back?—Yes. You are referring to the stamping-tables?

275. I am referring to the night clerks who do the sorting?—And stamping.

276. How does the machine run—by motor-power—electric power?—Electric power.

277. Do they have to be fed by hand, letter by letter?—In one case it is fed by hand; in the other case by a belt.

278. Are there two machines working?—Two machines—not necessarily at once.

279. Do they both make the same sort of postmark?—Practically the same.

280. Are you able to say by looking at these letters which machine the postmark was made by?—An expert would.

281. Does not one man work one machine and one man the other?—They could be worked by both men.

282. What is done is what I want to find out. Is it the practice for one man to work one machine and the other the other?—The practice is to work whichever machine might happen to be vacant.

283. Does that mean that no particular man is in charge of a particular machine?—No; not at night.

284. I suppose the night clerks—the sorters—in the post-office are men of a good many years' experience?—The senior man is. The junior man need not necessarily be.

285. Are the night clerks on there constantly or do they take week about?—Yes, turn about.

286. How long?—The period is a week.

287. Can you tell me the names of the night clerks who were on duty for the week beginning on the 2nd July and ending on the 9th?—Mr. Linton and Mr. Comrie.

288. How many years' experience has Mr. Linton had?—I cannot say from memory; I could get it from my records.

Mr. Gray: I am going to call both those gentlemen.

289. *Mr. Ostler.* Is he an officer of some years' experience?—Oh, yes.

290. Mr. Comrie—what about him?—He is a younger officer; I cannot give you his length of service.

291. Is it not a fact that a sorter after some years of experience becomes very expert in knowing whether a letter is received without contents?—That is so—or *should* become expert.

292. I believe I read somewhere about experts who were able to tell whether there were notes—money—in a letter: is that common?—It is fairly common.

293. Would there be any difficulty for a sorter of any experience when a letter contained that circular and that card [specimens handed up] to discover whether it was empty?—You mean, would he be likely to pass that envelope without noticing if it contained no contents?

294. Yes?—I would say it was likely in the rapidity of sorting.

295. Now, what is the duty of a sorter if in sorting he discovers that an envelope contains nothing—has no contents?—It is his duty to make a suitable endorsement; it is then sent on and the addressee asked for particulars of what should have been in it.

296. What is the suitable endorsement?—That might be "Received without contents": generally it is.

297. Does he initial it?—He may do so.

298. Is there not a rule that he should?—I do not know of any in that particular regard. The rule says, "In the event of an apparent shortage in the contents a suitable endorsement should be made, and the addressee's attention directed thereto on delivery of the letter."

299. Now, you have said it is extremely likely that the sorters would miss the fact that these envelopes had no contents?—No; “likely,” not “extremely likely.”

300. How comes it, then, that you are able to point to instance after instance where the sorters discovered that the envelopes had been posted without contents, and to direct the attention of the posters to it: you read a list of fifteen or twenty?—Only one. That list was simply a list of letters or circulars returned to box 912—

301. You read a list, then, of case 1, and it went on to case 19, I believe: how comes it, then, that the sorters were able in each of those cases to pick out the empty envelopes?—The cases might have been a little exceptional in some instances, because they were in very large lots, and they would be delivered tied up in bundles.

302. Would that make any difference? I suppose the bundles are cut open and run through the machine?—They would necessarily be handling a great number of the same kind, and if any were without contents they would be picked up very easily.

303. Are there not several instances in those nineteen cases you gave us where the number would be about the same as this?—Yes.

304. If the sorters in those cases were able to find out that the envelopes were empty, why not in this case too?—Because in the cases mentioned the bundles would be handed in and dealt with at once; in the other case the correspondence would be mixed up with matter from the posting-boxes.

305. In case 9 which you read out there were only twelve hundred-odd circulars posted altogether?—Twelve thousand.

306. What is the smallest number you have there?—Three thousand.

307. Is it a breach of a night clerk's duty—is it regarded as a serious breach of his duty—if he lets an empty envelope go through?—It is recognized that some empty envelopes must inadvertently be passed.

308. Suppose out of two thousand-odd envelopes nine or ten were allowed to go through by a night clerk, would you regard that as a serious breach of his duty?—The whole circumstances would have to be taken into account. If he were especially busy the matter might not be regarded so seriously as if he were slack and able to give proper attention.

309. If he were able to give proper attention would it be serious?—Fairly serious.

310. Very serious if ten empty envelopes out of 2,500 passed?—Yes.

311. Is it not the case that in none of these cases where empty envelopes were delivered none were discovered by the night clerks?—None of them, as far as I know, were discovered by the night clerks.

312. Your counsel has supplied me with a list of letters which were returned because they were wrongly addressed or not known to the letter-carriers. On one of those letters there was an endorsement “Received without contents”—that is John Findlay. Who put that endorsement on?—I am not in a position to say, but the officer in charge of the letter-carriers could tell whose the initials were.

313. Well, it is “J.B.” That could not be either Comrie or Linton, could it?—No.

314. How could a man, not the sorter who received the letter—how could he tell it was received without contents?—It was received by him without contents.

315. That only means, therefore, that that is received by the person who puts the endorsement on, without contents?—Exactly; otherwise it would be “Posted without contents.”

316. It does not mean that it was received by the post-office without contents?—Not necessarily.

317. I understand your complaint to be that Mr. Elliott did not give you more facts on which you could investigate these charges?—That is so.

318. And until you got the information here you were not in a position to properly investigate?—Not in a position to fully investigate.

319. Would you mind explaining, then, how it was you rushed into print the day after, saying there could not possibly be anything wrong?—Yes. I said “a full investigation.” I made such investigation as was possible, and I had confidence in my staff.

320. The charges were made first on the night of the 11th July, were they not?—Yes.

321. And I suppose you knew nothing of them until you read your *Herald* on the morning of the 12th July?—Of course, Mr. Elliott had previously told me over the telephone.

322. But did you know anything of the public charges?—I think that was the first I heard of them.

323. And yet in the *Star* of the same date you are reported to have said, “The charge by Mr. Elliott is given emphatic denial by the Postal authorities. The charge of envelopes being opened, the contents abstracted, and the empty covers delivered is so absurd as to carry its own denial. No officer of the Post Office, even the veriest youth, would be so stupid as to abstract the contents of a communication and deliver the envelope. Such action would simply invite inquiry—the very thing the culprit would wish to avoid—and provide evidence of guilt. The Rev. Mr. Elliott rang up the Postal authorities prior to the meeting in relation to the charge, and was informed strict inquiry would be made immediately a list of the addressees was submitted. The list not being forthcoming a second request was made, and the list was faithfully promised by a certain hour. The time passed, and no list was submitted. Mr. Elliott therefore has cut the ground from under his own feet by apparently purposely withholding the means by which proper inquiry could be made. Notwithstanding this, such inquiry as was possible showed that under the impartial postal system such allegations were utterly unfounded. The submission of postal packets to a Censor appointed by the military authorities is one entirely out of the control of the Post Office.” You have read that statement?—Yes.

324. Do you acknowledge that it is correct?—Substantially.

325. Do you suggest that between the time you read the *Herald* on the morning of the 12th and the time you gave that to a *Star* reporter—what time, by the way, did you give this to a *Star* reporter?—I could not say—probably just before publication.

326. Three o'clock at the latest?—Yes.

327. Do you say that between the time you read the *Herald* and 3 o'clock you had made sufficient inquiry to enable you to say there could not possibly be something wrong?—I do, speaking as I was from a knowledge of my staff, and also from inquiries which my executive officers had in the meantime been making.

328. But you made inquiries after your publishing that statement—you pursued your inquiries very much further?—I made a few.

329. A good many more than a few: you had detectives on the job, did you not?—No.

330. Did you not employ the police to inquire into this matter?—Which?

331. The matter of the charges made, of course?—No. I will explain the whole matter. I was told it was reported that there were tickets of admission in the hands of some boys from the Mount Eden district, and it was also reported that those tickets had come into their possession from envelopes before they were posted. I immediately sought permission from my Head Office to employ a detective, seeing that the police could manage the matter probably better than the Post Office. He made inquiries, and the result was that there was no truth in the report. So far as the detective was concerned the matter ended, and there were no further detectives employed.

332. Then it is true you employed a detective?—Not in connection with the charges—in connection with the rumour that the contents of envelopes had been taken from the envelopes before posting.

333. These envelopes related to this meeting—the rumour about circulars relating to this Protestant Political Association meeting?—Yes, before they were posted, or supposed to be posted.

334. However, detectives were employed?—A detective.

335. Did not two detectives go up and interview a boy?—Not to my knowledge.

336. A detective was employed with regard to a rumour you had heard with regard to this series of circulars?—A rumour that tickets had been taken from envelopes before the envelopes were posted.

337. Surely that did not come within your province at all—that was a police matter?—And it was put into the hands of the police, was it not?

338. What did you have any concern about that for—before posting you would have no concern?—If the rumour had proved true it would have helped in the elucidation of the mystery.

339. Now we are getting at the mystery: the detective was employed to enable you to make a defence to these charges—is that true?—No.

340. You were hoping to say that the contents had been extracted before the letters were posted?—

His Worship: He has already said so.

341. *Mr. Ostler.*] Did you not also employ one of your private detectives—a Postal official—to go round and get some information for you?—I do not understand what you mean by a “private” detective.

342. Persons under your authority went and interviewed various people who you heard had got empty envelopes. A Postal official went and interviewed persons who had complained that they had received envelopes without contents—Mrs. Stainton and Mrs. Stuart?—That is so.

343. How did you know they had complained—they did not complain to you?—They complained to the letter-carriers.

344. How did you know they had complained to the letter-carriers?—By information received from the officer in charge of letter-carriers.

345. Then you did endeavour to get information from the letter-carriers as to whether complaints had been received?—I have said so.

346. You could not have done that after you said this in the paper?—Why should I not have gone on?

347. But I am pointing out there could not possibly be anything wrong?—Exactly; but there was no harm making further inquiries.

348. Though you thought there was nothing wrong you went on making further inquiry?—Yes; I went on making further inquiry when complaint was made by Mrs. Stainton and Mrs. Stuart.

349. Were the night sorters on that night more than ordinarily busy?—I think they would be on the first night—that is, 2nd–3rd July.

350. Not on the second night?—They might have been on the second night also.

351. Have you not inquired to find out whether they were?—I know they were on the morning of Tuesday.

352. Do you know anything about the other morning?—Not particularly.

353. Have you not inquired?—They will be here to give evidence themselves.

354. Have you inquired on that particular point?—No.

355. Have you made any other inquiries from the sorters?—Yes.

356. Did you ask these sorters on duty that week whether they had let through any empty envelopes?—Yes.

357. What was their reply?—To the best of their knowledge and belief they had not.

358. Did you take any other steps to ascertain whether it was the mistake of the letter-sorters in passing empty envelopes?—No, I do not recollect that I did.

359. None at all?—No.

360. Quite sure?—I cannot recall.

361. I just asked because you did not appear to be quite certain. You have interrogated all your letter-carriers?—It has been done by my officer in charge of letter-carriers.

362. Did the Postal official who went to see Mrs. Stainton and Mrs. Stuart take a written statement from them?—I do not think so.

363. Were they instructed to?—No; they were instructed to pursue the usual course in such inquiries.

364. I want to ask you this: there is a letter addressed to Mr. Shackelford there; that has a note on it "Received without contents. H.G." Can you tell me who "H.G." is?—One of the letter-carriers.

365. Therefore what he means by that is that it was received by him without contents?—Apparently, yes.

366. There was also a letter addressed to Mr. Hannan. Mr. Hannan has told us he showed it to the letter-carrier, who took it away and brought it back with those words, "Received without contents." Do you know who put those on?—I cannot make out the initials.

367. Do you not know what happened about that letter from your inquiries: whom did the letter-carrier take it to?—The inquiries I made, of course, were only the other day; and it seems to have escaped the memory of the person to whom Mr. Hannan went—Oh, I was thinking of Mr. Smith's case.

Mr. Gray: We never heard of Mr. Hannan until Mr. Ostler gave us the list the other day.

Witness: I could not say that I can recall Hannan's case.

Mr. Gray: Woods was the letter-carrier.

His Worship: What is your question?

Mr. Ostler: What I am asking is this: Who put that endorsement on that envelope of Mr. Hannan's, and why was it put on?

Mr. Gray: I am going to call the letter-carrier on that round.

Witness: I could not say. I do not recognize the initials on the letter.

368. *Mr. Ostler:* Did you not find out in making your inquiries from the letter-carriers, which you say you made straight away, the history of that—who put it on?—As I say, I cannot recollect very much about that letter of Hannan's.

369. It has been brought to my attention that the interview you had with the *Star* representative on the 12th July was in the morning, because it says "Mr. Williamson *this morning* made the following statement." That would not have given many hours to make these inquiries before you were satisfied there was nothing in it?—No.

370. Would it be right for a Post officer, if a person came to the counter with an empty letter and said that she had received it like that, to take it and mark it "Received without contents"?—No, it would not.

371. Did you hear Miss Smith give in evidence that that was done in your post-office?—Yes.

372. That was wrong?—I made inquiry about that since, and no one will admit having seen this lady except one young man, who referred her to the elderly gentleman she spoke about. I cannot ascertain who that elderly gentleman was.

373. If her evidence is true that was not proper conduct for one of your Post officers?—It was not.

374. I suppose you will admit that there is ample opportunity, while letters are in the post-office, for persons, if they are dishonestly inclined—Post officers—to extract the contents?—There is opportunity.

375. As a matter of fact, you have trouble often, unfortunately, with dishonest officers?—Not often.

376. Have you not, since you have been in Auckland, had at least three cases?—I would not like to mention the number of cases without consulting my records.

377. I could mention the names of three persons. I do not know that I will not be doing an injustice. I will write them down.

Mr. Gray: How did you know?

Mr. Ostler: I do not think you are entitled to cross-examine me.

Mr. Gray: I am not entitled to ask for the information; but it is significant that you should be in possession of it.

Mr. Ostler: One appeared in the public Court.

378. *Mr. Ostler:* Was not one man recently sentenced to twelve months' imprisonment for admitting taking several letters?—In Auckland?

379. Yes?—Since I came to Auckland?

380. I understand so?—I do not recall it.

Mr. Ostler: You will probably know it from being Chief Clerk in the Head Office.

Mr. Gray: I would point out to your Worship that although the Department has no desire to keep anything back, this is not a matter relevant to the inquiry.

His Worship: Except that Mr. Ostler is concerned in showing laxity.

Mr. Gray: It only shows that you cannot absolutely cure dishonesty.

381. *Mr. Ostler:* Read the contents, and answer if that is not true?—I know nothing of these, Mr. Ostler.

382. Not one of the cases?—No.

383. But one of those cases only happened recently, and I understand the inquiry is still proceeding: is not that so?—I do not know of it.

384. Is the Elliott Street post-office under your jurisdiction?—It is.

385. Would you not know if an officer there extracted the contents of a letter and the inquiry was still proceeding?—Yes. Auckland South Central is really the official name for the office.

386. Has not a man in that office been suspended recently?—Not to my knowledge.

387. Would you deny that that is accurate?—I do.

388. Is it not a fact that the Catholic Federation's letter-box is absolutely free from censorship?—I do not know that it is under censorship.

389. I may take that as an admission that it is not, I think?—I think so.

390. Is it not a fact that there is no single Catholic priest or organization whose letters are under censorship? [Applause.]

Mr. Gray objected to the question, and *His Worship* disallowed it.

Mr. Ostler: I would like to point out that the question is a relevant one, because we have to inquire in this inquiry whether this censorship is in the interests of the Roman Catholic Church, and it is relevant because, whereas these loyal Protestant bodies are censored, no Roman Catholic priests or bodies in Auckland are censored.

His Worship disallowed the question, but after the adjournment allowed it to be put.

Inquiry resumed, 2.15 p.m.

His Worship: Before the adjournment I disallowed a question which at the time I did not think was relevant or should be answered. During the adjournment I have reconsidered the matter, and I have come to a different conclusion. I admit that I was wrong, and you were justified in asking the question, *Mr. Ostler*. I have re-read the Commission: "And whereas a further charge has been made by the said Reverend Howard Elliott to the effect that military censorship has improperly and in the interests of the Roman Catholic Church been established over the correspondence of the persons using the said post-office box." You will have to limit the question; you will consider that. I think it is quite within the scope of the inquiry that he should answer shortly, and without reference to names or anything of that sort, whether any censorship has been established over boxes or persons connected with the Roman Catholic Church.

[*His Worship* further remarked, alluding to the applause of the public, that his mistake was contributed to by this disturbance, which was most unseemly and quite out of place in judicial proceedings, and that he was accustomed to perfect quiet and peace in Court, and that if the commotion were renewed he would reluctantly have to order the room to be cleared, leaving it to the reporters to place the facts before the public. He was not concerned with what they thought regarding the personnel of the Commission. He felt everybody present had preconceived ideas on the subject of the inquiry. Such demonstrations were most disturbing.]

Mr. Ostler: I would like to thank your *Worship* for the consideration given to the matter. I hope your *Worship* will not blame me for the applause. I hope every one who sympathises with the points I am to bring out will refrain from applauding.

Cross-examination of *Mr. Williamson*, Chief Postmaster, continued:—

391. *Mr. Ostler*.] Did I understand you to say that you took no steps whatever to find out from the letter-sorters whether they had let these envelopes through empty?—No, you did not understand me so.

392. What did you say on that point?—Inquiry was made of the letter-carriers.

393. Not the letter-carriers—I am talking about the sorters?—The night clerks? Inquiry was made of the night clerks whether they had seen any envelopes going through without contents.

394. What was their reply?—The reply was, they had not noticed any.

395. Was that inquiry made by you verbally, or was it made in the form of a written order to them to report?—It was made verbally.

396. There was no written instruction to them?—No written request.

397. Was that all the steps you took to find out whether they had possibly made a mistake?—Practically, yes.

398. Why do you say "Practically, yes"?—I may say they were, of course, closely questioned to give me the facts of all the circumstances surrounding the case.

399. Did it occur to you to put some empty letters through the post to see whether they would pass them?—It did.

400. Did you do it?—Yes.

401. You did? I thought you told us you took no steps beyond inquiring from them to ascertain whether they would be likely to pass these letters. That is something new?—The empty envelopes were put through to see whether they would pass such empty envelopes without bringing them under notice.

402. That is to say, to adopt the words of my friend *Mr. Gray*, you set a trap for them?—Not necessarily.

403. How many empty envelopes did you put through the post?—It probably would be half a dozen.

404. Were they detected or were they not?—They were not detected.

405. Can you produce those envelopes here?—Yes.

406. Who has them—I would like to see them?—[Witness explained that his bag with the envelopes was on the way up from the post-office.]

407. I will go on to something else at the present time. What has become of Miss Smith's letter posted back to box 912, containing an empty envelope, and not received—do you know?—For the moment I cannot recall the case.

408. Miss Smith has sworn to posting a letter to box 912 containing an empty envelope and a note, which was never received: do you know whether that was held up in the post-office?—It was not as far as I know.

409. Have you inquired from the Censor as to whether he has it?—No.

410. You see, it would naturally be held up and sent to the Censor as it was addressed to box 912?—It ought to have been.

411. You have made no inquiries from the Censor as to whether he has that letter?—No.

412. Rather strange. Did you have any other complaints or inquiries about empty envelopes, emanating from box 912, besides those of Mr. Elliott?—I do not recall any. It is possible, of course, that some of my officers may have dealt with such inquiries.

413. Surely you would know whether it was so or not. Do you mean to say that you have had no complaints brought to your notice of any other of these envelopes being empty?—I do not recall any at the present moment.

414. You say you do not recall any: does that mean to say there may have been and you have forgotten them?—No. In a large office such as ours, of course, the Chief Postmaster cannot deal personally with every matter brought in front of him.

415. There may therefore have been some other complaints which did not come to your knowledge?—Exactly.

416. His Worship has allowed me to ask this question, and I will put it in a very short and general form—

Mr. Gray: If this relates to the censorship, I hope your Worship will hear me before my friend assumes the question will be answered.

His Worship: I shall tell him the form in which the question should be put: are you aware of any censorship having been established in your office against any Roman Catholic correspondence addressed either to an individual priest or to any Roman Catholic organization?

Mr. Gray: I submit, with due respect, that question should not be put.

His Worship: Will you allow me first to quote the exact words of the Commission? [Clause quoted.] It seems to me to be a matter of inference, and inference only; and the other side to you are seeking to establish that, and if it can be proved that no censorship has been established—

Mr. Gray: I submit that the allegation—that the proof that censorship has been established over this box 912 will not necessarily allow questions to be asked as to whether censorship has been established over the correspondence of any other organization or individual. Your Worship is empowered to inquire into the allegation that this censorship has been established over this particular box—this particular box—in the interests of the Roman Catholic Church. Any evidence showing that it has been so established is admissible. Your Worship has had the evidence of the Solicitor-General showing the reasons which actuated him in giving the advice, and following upon it the genesis of this establishment. I say it is entirely irrelevant to inquire whether the censorship has been established over the correspondence of any other individual or organization, Roman Catholic or otherwise; and I submit your Worship is not empowered by the terms of the inquiry to allow any questions on that point. Part of the Warrant which your Worship has directs that “Nothing in the said Warrant . . . or in this present Warrant shall so operate or be so construed as to authorize any inquiry into the establishment, organization, authority, or practice of the system of military censorship existing in this Dominion during the present war, save so far as any such matters, being relevant to the inquiry authorized by the said Warrants, may be voluntarily and with due authority disclosed by officers of the said censorship in the course of that inquiry, and save also the inquiry hereinbefore expressly authorized as to the grounds on which such military censorship has been established over the correspondence of the persons using the post-office box aforesaid.” I submit, therefore, your Worship, that the evidence must, by the terms of the Warrant, be limited to evidence of the fact that a censorship was established over this particular box, and of the reasons which actuated the authorities—the Censor—in establishing that censorship; and that your Worship cannot inquire, having regard to the terms of the Warrant, into the censorship of anybody else. The matter is of very great importance, of course. I am not making this objection in the interests of the Post Office, because the Post Office has no connection with the censorship beyond such as has been disclosed: the Censor is not accountable to the Post Office, and the Post Office has merely to obey the directions of the Censor. I submit, therefore, that the question, even in the form your Worship put it, tends to admit inquiry into the censorship of other individuals, other organizations, and cannot be allowed by the terms of the Warrant.

His Worship: I have thoroughly considered the matter during the adjournment. I admit the position is not entirely free from doubt. I foresaw difficulties with regard to the limits of my inquiry into matters connected with the censorship; but I fail to see how a question like this can in any way affect the interests of the Empire, and that was the point in my mind very strongly indeed. I am quite free to say I am a very strong Imperialist myself. I would never admit for one moment, in the interests of anybody, any question which might in any way interfere with the interests of the Empire; but in this case it is quite different. This is the view I take—I admit the position is not clear from doubt: having to inquire into the censorship of this particular box, it having been alleged it has been established in the interests of the Roman Catholic Church, it is perfectly legitimate to allow a question such as I propose to put, and allow anybody to make the inference they like. It does not follow that I will make that inference—that it has been allowed in the interests of the Roman Catholic Church. They must draw the inference whether it is peculiar or not—whether the censorship has been established in the interests of the Roman Catholic Church or otherwise.

Mr. Gray: Suppose it is established—if it can be established—that the correspondence of certain Roman Catholics is also subject to censorship, does it necessarily follow either that the prohibition imposed upon box 912 is in the interests of Roman Catholicism—

His Worship: Not at all.

Mr. Gray: Or the contrary? I think, then, on the question of censorship, even supposing the answer to be in the affirmative—supposing the Chief Postmaster is in a position to give the information—the answer will not tend to show one way or the other. That being so, your Worship, I submit it is not relevant to the inquiry, apart from the question of authority.

His Worship: Again I say I will allow the question to be put. I have got to make certain findings to His Excellency. I have not the faintest idea what the answer will be.

417. *Mr. Ostler* (to witness).] You have told us already the box of the Catholic Federation is not subject to censorship?—That is so.

418. Is there any Catholic organization whose correspondence is subject to censorship in Auckland?—

Mr. Gray: Your Worship said you were going to frame the question—you would allow a question in a particular form.

His Worship: I only did that with a view of limiting strictly the cross-examination by Mr. Ostler. I am not prepared to say his question is outside what was in my mind.

Mr. Gray: I wish to assure you I am not making this objection in the interests of the Post Office, but I do happen to know the views of the gentleman who advised the Censor in this particular matter, and it is only on that account I am asking your Worship to rule out any information as to the acts of the Censor.

His Worship: It does not give them any information. Here is a box that has been censored, and has correspondence in the interests of a particular body. They allege that the Censor is exercising censorship over their box in the interests of the Roman Catholic Church. Presumably the Roman Catholic Church has been free from any censorship of any sort whatever. I know the difficulty, Mr. Gray. I would rather the censorship had been kept out of this, because I feel I might make a mistake, but I do not think so in this case.

419. *Mr. Ostler.*] The question I ask is this: Is there any Roman Catholic organization in Auckland whose correspondence is censored in the Post Office?—I can hardly answer that in full, but I can say there is no Roman Catholic organization in New Zealand whose correspondence is censored in Auckland.

420. That will do. I will pass on. Is there any periodical or literature emanating from the Catholic Press which is censored in Auckland, such as the *Tablet* or the *Green Ray*?—

His Worship: Strange to say, touching that *Green Ray*, I have got a letter here I received only a few minutes ago. I will read it for what it is worth. [Letter read.]

Mr. Ostler: The *Green Ray* is printed for the proprietors by the Budget Limited, Bath Street, Dunedin, and published by Albert James O’Ryan at 167 Rattray Street, Dunedin. The issue I hold is the 1st June, 1917. The editorial is “Dr. Mannix—and some Others.” It starts off, “Dr. Mannix has said that ‘Murder is murder whether committed in Belgium or Ireland’”; and right through no one could read that paper without saying it is a paper printed in the interests of the Roman Catholics.

His Worship: I cannot say, but it is a curious thing this statement should be made when you say it is not correct. Ask the question, at any rate.

421. *Mr. Ostler.*] I will put it generally. Is there any Catholic periodical that is censored in the Auckland Post-office? Is the *Tablet* censored, for instance—they cannot disclaim responsibility for that—is that censored?—No.

422. Is the *Green Ray*?—No.

423. I have a paper which I do not claim to be a Catholic paper; it is a paper published in Australia called the *Woman Voter*. Ever heard of it?—No, I have not.

424. The most disloyal and seditious paper I have ever read. Can you tell me whether that is censored or not? I suppose you would have heard of it: do you know whether that paper is censored in the Post Office?—It is not.

Mr. Ostler: I believe it is edited by a lady named Miss Adela Pankhurst in Australia.

His Worship: We have it now from the Chief Postmaster that no Roman Catholic paper or organization is subject to censorship.

425. *Mr. Ostler* (to witness).] Have you made any inquiry in your Post-office in Auckland as to the proportion of Roman Catholics on your staff?—No.

426. I suppose you are ready to admit that there are a good many that are Roman Catholics?—I am not: I do not know.

427. You are not prepared to deny it?—No.

428. Has it not come to your knowledge that there has been friction between them and the Protestant members of your staff?—No.

429. Never?—No.

430. You have told us that the average of errors in the Post Office according to that return you prepared—by the way, have you put it in evidence?—is 0.0004?—The percentage of inquiries to the number of articles which passed through the Post Office.

431. That, put into a vulgar fraction, is one inquiry in every 2,500 postal packets?—

His Worship: You had better take Mr. Ostler’s arithmetic as being correct.

Witness: I take your figures, Mr. Ostler.

432. *Mr. Ostler.*] Do you observe that in this case the number of irregularities which we have alleged is between fifteen and twenty in 2,500?—No, not quite.

Mr. Gray: I do not make it fifteen or twenty. You supplied us with a list of nine empty envelopes, and three non-deliveries, and two late deliveries.

433. *Mr. Ostler.*] At any rate, I can show when the time comes the exact number. At any rate, you will admit, Mr. Williamson, the number of alleged irregularities in this inquiry is very much above the average?—The alleged irregularities, yes.

434. On that list of yours which you have put in, of letters returned to the box, there is one marked "Mr. Howden, View Road, Dominion Road, Auckland"?—Not specially named.

435. I have in front of me a letter addressed to Mr. Howden, View Road, Dominion Road, Auckland, which is marked "Not found," and which, no doubt, is one of the fifty-seven returned to the box: do you see that?—Yes.

436. Can you tell me who marked it on the back "Not found"?—No, but I should suppose it was one of the carriers.

437. You do not know which one?—No, but it could be ascertained; his initials are there.

Mr. Gray: It is suggested it is improperly addressed.

438. *Mr. Ostler.*] A letter similarly addressed was delivered to the proper place. Who wrote the words "Try Houten"?—Knowing the practice, I should say that that was written on by the carrier to whom it was first sorted—the View Road carrier—to refer it to some other carrier to endeavour to effect delivery.

439. Are you aware that a letter exactly similar to that was delivered a day or two afterwards without any trouble?—May I revert to your former question? It has just occurred to me that that means that Mr. Howden was not known, and it might be Mr. Houten.

440. I just want to ask you one more question: in case you get a report from a senior officer as to some irregularity, such as sorters letting through empty envelopes, what methods do you adopt in your office to check that report?—A report from the public, do you mean?

441. A report from a senior officer, I said quite plainly—perhaps you did not understand me—as to some irregularity in the Post Office as to some member of your staff: what steps do you take when you get such a report?—

His Worship: You are in charge of your office—in supreme charge—and Mr. Ostler asks you what do you do with reports handed to you by a senior officer: do you hold an inquiry or take the recommendation of the senior officer?

Witness: I take the recommendation of the senior officer.

442. *His Worship.*] You do not hold an inquiry yourself?—Except in very exceptional cases. Of course, the whole of the evidence that has been taken is, as a rule, written down on the correspondence, and in cases which are submitted to me I have to judge from the minutes as to the merits of the case, and if necessary refer to the senior officers again if I am not satisfied.

443. *Mr. Ostler.*] Can you tell me why you did not send your Postal official to Mr. Hannan? You must have known when you made the inquiry that, besides Mrs. Stainton and Mrs. Stuart, Mr. Hannan complained.

His Worship: He has said he does not recollect Mr. Hannan's case being brought before him.

444. *Mr. Ostler.*] It was not brought before you by the letter-carrier?—I do not think it was. I do not remember.

445. Then, although you made inquiries amongst the letter-carriers, the case of Mr. Hannan was not reported to you?—Not specially.

446. Will you produce before this inquiry as soon as they come the letters which you put through the post in order to see whether the sorters would pass them?—[Eight letters produced.]

447. Are these the names of real persons?—No.

448. Just fictitious names?—Yes.

449. I notice that not a single one of those has the stamp postmark put by the machine: how is that?—On occasions the hand stamp is used.

450. On what occasions?—When there are only a few letters to be put through, or on days when the stamping-machine may be in full use.

451. What was the reason the hand stamp was used on those letters instead of the machine?—That I could not say.

452. Now, when were these writings put on the back: on the dates that they bear?—On the dates that they bear—that is so.

453. Well, then, these were not all posted at once—they were posted on different occasions?—Yes.

454. You apparently employed two Post officers to do this—a Mr. Rudd and a Mr. Harwood?—That is so.

455. Then there were five put through on the 1st August, were there not?—Yes.

456. And three on the 7th August?—Yes.

457. Now, not one of those letters would be subject to censorship, would it?—I think not, Mr. Ostler. No, they are fictitious addresses.

458. Why do you only think—you must know?—I was surprised at the question.

459. Is that all the letters put through for that purpose?—Yes.

460. Upon the reports of Mr. Rudd and Mr. Harwood did you take any action against the officers who were responsible for putting that through?—Action was taken to call on one of the officers for explanation.

461. What name?—Mr. Linton.

462. Were all passed by the same man?—No.

463. Three are alleged to have been passed by a man named Comrie?—Yes.

464. Five were passed by Linton?—Yes.

465. Have you called on Comrie for an explanation?—No.

466. Have you called on Linton for an explanation?—Yes.

467. Can you tell us what Mr. Linton's explanation is?—"The attached envelopes bear the date-stamp impression of the 1st August, 1917, and the request for explanation of my passing same without contents dated 6/8/17, six days after alleged oversight. Unless my case was checked in my presence I refuse to take the responsibility of passing same."

468. Therefore the charge was brought against this man six days after the letters were put through?—There was no charge, Mr. Ostler.

469. Whatever it is?—We simply asked him to explain how he came to pass them.

470. You read an explanation by this man, and he said he only first heard of it six days after they went through?—Yes.

471. Do you not think that was rather rough—to wait six days before being called to explain?—I acknowledge it might have been a little earlier.

472. How long did Mr. Comrie have to wait?—Mr. Comrie has not been asked.

473. Why not? Waiting for sufficient time for him to forget?—Not necessarily.

474. It is some time since it was the 7th August?—Yes.

475. Is that a usual practice—to test your sorters?—Not in regard to passing without contents; but in this case there was a difference of opinion between officers as to whether letters without contents could be easily passed. It was a method to find out whether the opinion was correct or not.

476. Would you mind letting me see the explanation of Linton. “These letters which were posted without contents were passed by Mr. Linton on the primary case. Why were they not endorsed?—P. S. Harwood, 6/8/17.” All Mr. Linton’s were put through on the 1st August—that is five days afterwards [remainder of paper read]. He might have said seven days, because it was the 7th August when it was sent on to him. What does that mean—“primary case”? is that the frame at which he works?—Exactly.

477. Have you means of checking the cases of sorters?—Yes.

478. You check it in their presence?—Not necessarily in their presence.

479. He says, “Unless my case was checked in my presence I refuse to take the responsibility.” Was he justified in saying that?—To a certain extent he was.

480. *Mr. Gray.*] You are aware it has been alleged that envelopes have been passed through without contents. Did you direct that these envelopes addressed to these persons should be put through solely for the purpose of finding out whether officers could pass empty envelopes without noticing them?—That was the sole reason.

Mr. Ostler: I do not want to suggest it was improper——

481. *Mr. Gray.*] You had no other reason than to ascertain whether the thing could be proved honestly, so to speak?—No.

482. My learned friend has asked you a number of questions about orders in the order-book, alleged offences by persons in your employ, and this posting of letters, which seem to indicate that some information has been derived from inside your office. Has any officer any authority to communicate any information as to the working of the office without your instructions?—No.

483. Is not every officer under a bond—a vow—of secrecy not to disclose any information?—According to the regulations he is.

484. Does not every officer upon being employed in the service make that declaration?—Yes.

485. And is he not required to subscribe to some form of declaration to the effect I mentioned?—That is so.

486. Then if any officer has communicated to my learned friend or to Mr. Elliott any information as to the working of the office such as I have indicated he has committed a breach of his oath?—

Mr. Ostler: What oath?

Mr. Gray: You called it an oath. “Before any person can be employed in the Department, either temporarily or permanently, declarations must be made according to the prescribed form. . . . Declaration by Post officer: I, A. B., do solemnly and sincerely declare that I will be true and faithful in the execution of the trust committed to my charge, and that I will not willingly or knowingly open, detain, return, or delay, or cause to suffer to be opened, detained, returned, or delayed, any postal packet which comes into my hands, power, or custody, by reason of my employment in the Postal service, except with the consent of the person to whom such postal packet is directed, or in such cases as are or may be provided for by the Post and Telegraph Act, 1908, or by any rules or regulations to be made in pursuance thereof. And I do further declare that I will not intentionally read the contents of any postal packet which I may lawfully open, except so far as may be necessary for the purpose of ascertaining the name and address of the writer or sender, or for any other lawful purpose; and I will not divulge to any person whatever, except so far as lawfully required, any of the contents of any such postal packet which may come to my knowledge in course of opening and examining the same for any such purpose as aforesaid, or any information which may come to my knowledge with respect to the business of the Post Office Savings-bank. And I make this solemn declaration under the provisions of the Post and Telegraph Act, 1908.”

Mr. Ostler: That refers to letters—the opening of letters.

487. *Mr. Gray.*] Do you consider that an officer is true and faithful to the trust committed to his charge if he supplies information to outsiders as to the working of the office?—No.

488. There is a somewhat similar declaration, I believe, for Telegraph officers as to secrecy?—Yes.

489. You have been asked some questions about the censorship: (To the Commissioner.) Having regard to the questions which your Worship permitted my friend to put as to whether or not there existed a censorship of any Roman Catholic organization in Auckland or of any Roman Catholic newspaper or organization, I propose, sir, to ask the witness whether he as Chief Postmaster knows whether there is any censorship applied to any Roman Catholic holding any official position in Auckland. I do not know, sir—I have no means of knowing—what the truth is; but I propose to ask him that.

His Worship: Quite so.

490. *Mr. Gray.*] You have been asked and have answered certain questions as to the censorship of Roman Catholic organizations and newspapers: to your knowledge, has any censorship been applied in Auckland to the correspondence of any Roman Catholic official?—I do not quite understand the question.

491. When I say "official" I mean a Roman Catholic holding any official position in the Roman Catholic Church?—

Mr. Ostler: He may be an alien enemy. I do not understand the question.

492. *Mr. Gray.*] Has the correspondence of any Roman Catholic priest in Auckland been subjected to censorship?—Yes, it has.

493. *Mr. Ostler.*] Was that some one who has subsequently been interned as an alien enemy?—

Mr. Gray: I will not ask that question. That tends to identification.

His Worship: I think I am absolutely prohibited from inquiring into details—merely the bare facts.

494. *Mr. Gray.*] My attention has been drawn to another order in the order-book headed "Confidential nature of duties": "No information regarding any letter which may come to the knowledge of any officer through his employment in the Department shall, without express authority of the Secretary, be furnished to the Press or be given privately or made public by him under pain of dismissal. . . . No information may be given respecting letters or other postal matter, except to the addressees or to persons they nominate in writing. No officer may make public any official communication which he may receive unless he shall be officially directed to do so. Members of Parliament have no privilege in these respects." That is a standing rule, is it not, of the Post Office, with which every officer is, or ought to be, fully acquainted?—Exactly.

495. To pass on again to the censorship: do you still say that in giving the instruction of the 24th March you felt that it was not possible to distinguish between literature in the shape of pamphlets and letters unless all correspondence was submitted to the Censor?—I say it was not possible to distinguish.

496. And in any case did not the Censor in Auckland have instructions from his chief in Wellington?—I can only assume so.

497. You know nothing of the methods of working of the Censor?—No.

498. Have you ever attempted at any time to obtain any information from him as to how he works or why?—No.

499. As a matter of fact, do you know at what hours he is chiefly employed in censoring work?—I could not say definitely, but I have observed when I have been at work late myself that he has been at work on such occasions.

500. He works late at night?—Yes.

His Worship: There is one point that struck me as an anomaly, and Mr. Morris will, no doubt, take notice—that the Censor should be carrying out his duties in the same room as men not under the same oath as the Censor.

501. *Mr. Gray.*] You say you have reason to believe there was no further order posted in the book after the 24th March. You got instructions from Wellington on the 5th April to attend to this matter—a sort of renewal?—There was no order put into the book after the 5th April until quite recently, in July.

502. You received instructions from Wellington, of the 5th April, which, as I said before, you seem to have anticipated owing to some reference to you of the official file; and on receipt of the instructions of the 5th April you did not cause another order to be put into the book: why not?—Because the order was so recent.

503. You thought it not necessary to put another order seeing the order had been signed by all the staff on the 24th March?—Yes.

504. Then on the 6th July you had another order put in the order-book drawing attention to the fact that some circulars addressed to box 912, or emanating from box 912, had gone through without reference to the Censor?—Yes.

505. Why did you have that order promulgated?—Because it appeared officers had forgotten the previous order, and I thought it necessary to remind them.

506. I suppose there is a great number of orders the staff are required to note and remember if possible?—They average, I think, slightly over one every day—365 in the year.

507. A new order every day?—Practically.

508. You were asked by Mr. Ostler whether you had not received instructions from the Head Office in Wellington on the 9th July to release the correspondence: did you receive any instructions other than that the correspondence was to be delivered after the Censor released it?—No.

509. Was it in your power, or, as far as you know, in the power of the Head Office, to control the release of correspondence by the Censor?—As far as I know it was not.

510. Certainly not in yours?—Certainly not.

511. What Mr. Waters said to you was that the Wellington Censor had informed him that the Auckland Censor had been instructed to release the correspondence, and you were instructed to deliver in the usual way?—Yes.

512. You were asked something about bundles of circulars put in, some without contents, the absence of which was noticed: do you suggest there is a difference between letters put in in bundles and letters like these put in with others?—I do.

513. Do you say it would be easier to detect in the bundle than in a mixed lot of correspondence?—There is no doubt about it.

514. As an example of noting upon the envelope "Received without contents," my friend has handed to you the envelope addressed to Mr. John Findlay, which bears on the back "Not known; received without contents." Can you tell His Worship whether that envelope was posted with the flap turned in or turned out?—With the flap turned out, I should say.

515. Does it bear the mark of the back roller?—It does.

516. Quite as distinctly as those you produced this morning?—Quite.

517. Can you tell us why this letter has been stamped with a requisition for another $\frac{1}{2}$ d. required and a postage-due stamp affixed to it?—If it were posted as a circular with the flap turned in it would go through at the circular rate—penny rate.

Mr. Ostler: If it was open, whether the flap was out or in, it would go through at the penny rate.

Mr. Gray: It looks as though it had been closed.

His Worship: What is the rule, Mr. Morris?

Mr. Morris: If it was open and the contents could be classified as a letter it would be charged.

Witness: It might have been slightly closed and treated at penny-halfpenny rate. I think that is the explanation.

Mr. Ostler: We have got a whole number like that, and we were told they were charged extra because there was a request to return to the box: so that that will not do.

Mr. Morris: My attention has just been drawn to the fact that this letter was one returned by the Dead Letter Office in accordance with the "special request" enfaced upon it in the left-hand top corner; and as such it is entitled to bear another $\frac{1}{2}$ d. postage.

Mr. Ostler: Then Mr. Gray was wrong in his suggestion.

Mr. Gray: Exactly.

518. *Mr. Gray:* You were asked questions about the statement you made to the *Auckland Star* on the 12th July: what material did you have before you when the reporter called upon you?—

519. *Mr. Ostler:* I understand you waited on the *Star*?—No; that is a mistake.

520. *Mr. Gray:* Had you anything before you except the statement in the *Herald*?—No.

521. You read the *Herald* in the morning, and, I suppose, saw this account of the meeting of Mr. Elliott, and his statements, and so on. I want to show what material the witness had before him when he made this statement. [Extracts from *Herald* and *Star* put in.] With regard to the suggestion that you have employed detectives, my learned friend is putting in the correspondence which passed between himself and the Right Hon. the Prime Minister, and between himself and me since I have been in Auckland, and I wish therefore to put a question to the witness. [Following read from Mr. Ostler's letter to Mr. Gray of 15th August, 1917: "I am instructed by the Rev. Howard Elliott that he did state that he would supply the Post Office with a list of the names of persons who had received empty envelopes and of those who did not receive the circulars posted. He learned subsequently, however, that the Postal Department was employing a detective to take statements from such persons, and, upon my advice, he subsequently decided that he would not furnish the list, as it might prejudice his chance of obtaining the necessary evidence to support his charges." "Such persons," of course, means the persons mentioned before. Is there any ground for the suggestion that you or the Department were employing a detective to take statements from these persons who had received empty envelopes or did not receive the circulars posted?—No.

522. Did you employ the detective to do anything more than inquire into a rumour that some boys had been seen in possession of tickets?—No.

523. With regard to the statements of Mrs. Stainton and Mrs. Stuart, who had complained to the letter-carriers, were you following the usual course in directing officers to see those ladies?—Yes.

524. Did you employ any detective to wait upon either of those ladies?—No.

Mr. Ostler: They did not say it was a detective: they assumed it was.

525. *Mr. Gray:* Apart from those two persons, have you had any complaint from any individual of non-delivery or abstraction of contents?—No.

GEORGE WILLIAM RUDD examined.

1. *Mr. Gray:* What is your name?—George William Rudd.

2. What are you?—Chief Mail Clerk.

3. In the Post-office at Auckland?—Yes.

4. How long have you been in your present position?—Six months.

5. Where did you come from?—I have been here thirty years.

6. You have been promoted, then?—Yes.

7. You have been thirty years in the Auckland Post-office, and during the last six months Chief Mail Clerk?—Yes.

8. You are familiar, then, with the working of the Post-office?—Yes.

9. You heard Mr. Williamson describe the method of receiving, stamping, and sorting and delivering letters: is that correct?—Quite correct.

10. Have you had any specific complaint brought under your notice of non-delivery of letters in connection with box 912?—No.

11. Or of the abstraction of contents?—No.

12. Who dealt with the complaints of Mrs. Stainton and Mrs. Stuart?—The Chief Clerk's room, upstairs.

13. By the way, Mr. Rudd, did you happen to be favoured with an invitation to the meeting of the 11th July, or receive a circular?—I received two.

14. Both addressed to you?—Yes.
 15. In the same handwriting?—Yes.
 16. Two separate letters?—Two separate letters.
 17. I suppose you have not retained the envelopes, not knowing this inquiry was coming?
—No.
 18. So you received two envelopes in the same handwriting, each containing the circular with the white card?—Yes.
 19. Have you examined these envelopes, on which it is suggested there is evidence of stamping with the flaps open?—Yes.
 20. Do you agree that they show that these envelopes were stamped with the flaps out?—Yes.
 21. Have you any doubt about it?—No doubt.
 22. Would you say the same of this one—Findlay—which you have not seen before?—Yes.
 23. With respect to this envelope which my friend Mr. Ostler produced to-day, addressed to Mr. Howden, View Road, and on which there is “Try Houten”: do you know him?—Yes; I know him by sight. He is at the corner of Bellevue Road and Dominion Road.
 24. This is not a correct address?—Not quite.
 25. What do you say to the action of the letter-carrier in writing “Try Houten” and “Not found”?—If that was sorted to the letter-carrier delivering in View Road he would have a hard job to find that man. There is a View Road, and a Bellevue Road, off Dominion Road.
 26. Then it was not unreasonable for the letter-carrier to have returned it, the addressee not having been found at that particular address?—Quite right.
 27. Mr. Williamson produced eight envelopes which were put in, he said, to test whether they could go through unchecked—unobserved: do you know anything about them?—I do.
 28. Tell His Worship how it came about?—The Assistant Postmaster asked me—
 29. What is the Assistant Postmaster’s name?—Mr. Harwood. He asked me to test Mr. Linton and Mr. Comrie with regard to envelopes received without contents. He gave me these letters. One of the officers date-stamped them, and we placed them in front of Mr. Linton and Mr. Comrie, and they passed them quite easily. We placed them with two hundred or three hundred other letters, and they did not take any notice of them.
 30. They passed them for delivery at those addresses?—They sorted them up to these addresses.
 31. *Mr. Ostler.*] Are those invented addresses?—Four I know to be genuine addresses: they are relations of mine. I do not know the other four.
 32. *Mr. Gray.*] With respect to censoring correspondence, you know, I suppose, as every officer in the office knows, that correspondence is sometimes submitted to the Censor?—Yes.
 33. Whose duty is it to send correspondence pursuant to such an order to the Censor?—It is detected by the men sorting.
 34. That is, if the correspondence of John Smith is directed to be censored, any officer who sees a letter come through for John Smith is required to put it on one side for the Censor: what does he do with it?—There is a special position on the sorting-case for letters addressed to the Chief Postmaster. The head of the staff or the assistant head of the staff comes along and collects them, and sends them to the Censor upstairs.
 35. Have you anything to do with that?—I am in charge of it to see it is done.
 36. Every officer who has passing through his hands matter which is directed to be censored is supposed to put it into a special case for the Censor?—Yes.
 37. Do you know whether or not any of the letters or envelopes bearing the superscription “Box 912, Auckland,” posted on the 3rd or 5th July, were submitted to the Censor?—No, they were not.
 38. You know that?—Yes.
 39. Do you know why it was not done?—The officer sorting forgot all about it.
 40. I am going to call Mr. Linton. Was it Mr. Linton’s duty to see that all those bearing that number were put into the case?—Yes.
 41. I will ask him why he did not do it. Do you know whether any letters bearing that superscription posted on the Friday night, 6th July, were submitted to the Censor?—They were held up.
 42. For the Censor?—Yes.
 43. Do you know how many?—I do not know.
 44. Would Mr. Linton know?—He may.
 45. Who should know?—He should.
 46. Of course, the Censor will know: I thought perhaps you would?—No. On Thursday night I rang Mr. Linton up from my home and told him to be very careful.
 47. Was that in pursuance of any instruction?—Through the day I received instruction from the Chief Postmaster.
 48. That instruction Mr. Williamson has deposed to—that on the 6th July he put an order in the order-book drawing attention to the previous order, and in consequence you gave a special instruction to Mr. Linton?—Yes.
 49. I do not know that it is a matter of very great public interest, but may I ask what your religion is?—I am a Methodist.
 50. A Wesleyan Methodist—not a Roman Catholic?—Yes.
 51. *Mr. Ostler.*] Who was it suggested this letter test you conducted of these sorters—was it you?—No.
 52. Who was it?—
- [*Witness* asked if that was a fair question, and *His Worship* replied that everything said in the inquiry was privileged.]

Witness: Mr. Harwood.

53. How many letters did you post yourself in connection with this test—we will not call it a trap?—Seven or eight.

54. You posted them all, did you not?—Yes.

55. You first posted four on the 1st August?—Yes.

56. Where?—In the office.

57. Did you post them in the box?—I had them date-stamped.

58. Do you call that posting?—Yes.

59. Who put on them “Posted without contents”?—

Mr. Gray: That was later.

60. *Mr. Ostler.*] As a matter of fact, they were not posted—they were just date-stamped by you?—As a matter of fact, they were posted; they were placed on the table and date-stamped.

61. Not put through a posting-aperture?—No.

62. Nevertheless posted?—Yes.

63. Four addressed to genuine people?—Yes.

64. And four of them were posted?—Yes.

65. Therefore four of them are genuine postal packets within the meaning of the Post Office Act?—Yes.

66. I suppose you are aware you are liable to two years’ imprisonment if you touch a postal packet?—You don’t say! I do not know.

67. Who instructed you to tamper with those in the course of post?—

Mr. Gray: I do not think my friend is entitled to use the word “tamper” in regard to letters posted with a specific purpose.

68. *Mr. Ostler.*] Who instructed you to take those out of the post when they were in the course of post to genuine people?—The Assistant Postmaster.

69. And you stopped them in the course of post?—Yes.

70. You have taken the statutory oath, I suppose?—Yes.

71. Do you not think that is rather a breach of the oath?—No.

72. You have stated that in your belief when some of those letters passed through the post-marking-machine the flaps were open?—Yes.

73. Does that necessarily prove that the envelopes were empty?—No.

74. They may just as well have been full as empty?—Quite so.

75. How do you happen to know the name of Mr. Howden: is he a pretty well-known man?—That is right; he is a neighbour of mine.

76. Any postman would have no more difficulty in finding Mr. Howden than any other man?—I do not know. Lots of postmen are returned soldiers.

77. But the Post Office rather prides itself on cracking nuts like that—much more difficult ones?—It did before the war.

78. It does not pride itself upon it now, you say?—It does to a certain extent.

79. Having been in the Auckland Post-office so long you would be aware that there are a great many Catholics in the Postal service there?—There are one or two.

80. Do you intend that to be a genuine answer to a fair question—do you mean that to be taken literally?—If you like. I do not know how many.

81. Is it not a fact that they are roughly in the proportion of one-third?—I do not know.

82. Do you deny it?—If you said it I would not deny it.

83. Have you known of friction occurring between Catholics and Protestants in the Post Office?—What do you call “friction”?

84. Surely, Mr. Rudd—you are beginning to make me think you are not answering my questions frankly?—It all depends on what you want.

85. Have you known of any trouble?—How long ago?

86. Say, within the last two years?—No, nothing within the last two years.

87. Without mentioning any names, do you know a man who is Postmaster close to here [name written down]: ever known of trouble between him and the Chief Mail Clerk who preceded you?—No, I cannot say that I do.

88. Do you know that that man who is Postmaster at that place is a Catholic?—Yes.

89. Do you know that man [name written down]? Where is he now?—He is Assistant Postmaster at [place named].

Mr. Gray: But that identifies him.

90. *Mr. Ostler.*] Do you not know of trouble between those two?—No.

91. Do you admit that it is possible, between the time letters are posted at a post-office like the Dominion Road post-office for distribution about Auckland and the time they are delivered, for the contents to be abstracted in course of post?—Yes, I suppose so.

Mr. Gray: There is time, of course.

92. *Mr. Ostler.*] Who collects the letters from, say, the Dominion Road post-office through the night?—A chauffeur with a motor-car.

93. They are bundled into bags?—Yes, small bags.

94. And necessarily they undergo a certain amount of rough treatment?—Yes, and shuffling.

95. Would it not be the easiest thing in the world for a flap to come out of an envelope in the shuffling?—I should say so.

96. It would be the easiest thing in the world for the flaps to come out and the contents remain there?—That is quite possible.

97. After the night clerks have sorted the letters they go upstairs and there they are re-sorted?—Yes.

98. If the sorters upstairs find that the sorters downstairs have overlooked an empty envelope their duty is to mark it, I suppose?—Yes.

99. The letters go from the mail-room after the sorting by the night clerks to the letter-carriers' sorters?—Yes.

100. Therefore every letter goes through two sorters' hands?—There is the mail-room sorting, the letter-carriers' sorters, and the letter-carriers: that is three.

101. Is it not a fact that not only were none of these envelopes marked as received empty by the mail-room clerks, but there was not one marked by the sorters upstairs as received empty?—As far as I know.

102. And the first intimation we have of the letters being received without contents are the two or three letter-carriers' endorsements that you have seen?—I heard only on the Thursday from Mr. Williamson.

103. As far as shown on the envelopes the only intimation is one or two made by postmen?—Yes.

104. *Mr. Gray.* You have already demonstrated by the fact that these letters passed through the post unobserved that envelopes not very substantial in quality could be passed unnoticed. Would your observations apply also to envelopes of this kind, which are at least as thick as these others?—Yes.

105. Would it, in your opinion, be easy for envelopes like this to pass through the hands of sorters without it being noticed that they were empty?—Yes.

106. Now, you say there would be plenty of time—it would be quite easy to abstract the contents of envelopes between the time of receipt from Dominion Road and distribution by letter-carriers, because the letters would be in the post-office for some few hours in the early morning?—Yes.

107. A man would have the opportunity?—Yes.

108. Are you not entitled to rely upon the common honesty of officers of the Post Office?—We do.

109. You must necessarily do so?—Yes.

110. Have you had any reason to suspect the honesty of employees of the Post Office in Auckland other than in those cases where inquiries have been made and the offenders brought to book?—No.

111. Lapses are liable to occur, and do occur, in every large post-office?—Yes.

112. Is there any reason to suppose that the officers of the Post-office, Auckland, are less honest than officers in any other post-office?—They are an honest lot, I know.

113. You told my friend that the contents of an open envelope such as this, even with the flap turned in, might very well be shaken out in the course of handling, sorting, and so on: would that be very remarkable—would it show or imply any want of care or honesty on the part of the Post Office officials?—No.

114. It is probably not likely to happen, I suggest, with the flap turned in?—

Mr. Ostler: Surely it would be the duty of the post-office to return the contents to the box. If they were shaken out they would be in the post-office somewhere.

115. *Mr. Gray.* There is a rule, is there not, in the Post Office rules requiring that all matter which is identifiable must be returned to the owners?—Yes.

116. That is, of course, if it is observed?—Yes.

117. My learned friend suggested that you were committing a breach of the law in allowing these test letters, addressed to existing persons, to be detained in the usual course of post. Was there any intention in posting these envelopes that they should reach the addressees?—No.

Mr. Ostler: They are postal packets. I do not know what your Worship would say if Mr. Rudd were brought before you on a charge of a breach of the law.

His Worship: I do not know, of course.

118. *Mr. Ostler.* Can you explain why at least two of the postmen, when complained to, were able to say that the envelopes contained notices of an Orange Lodge meeting?—No; I do not know anything about the postmen.

MISS EDITH BLANDFORD, Counter Officer, Post-office, Devonport, examined.

1. *Mr. Gray.* Your name, Miss Blandford?—Edith Blandford.

2. You are counter officer, I think, at the Post-office, Devonport?—Yes.

3. You know Mr. Lowe?—Yes.

4. Do you recollect Mr. Lowe calling and making some inquiry of you in the second week in July?—Yes.

5. I think he brought an empty envelope to you and showed it to you?—Yes.

6. What did he say to you?—He asked me if I could tell him the name of a certain boxholder—I do not remember the number.

7. He showed you an envelope with the number on it, and asked who the holder of that box was?—Yes.

8. Did he ask you anything about a list?—I said we had no list, and if we had I would not be allowed to give the number.

9. What else?—I handed it to the head letter-carrier.

10. Mr. Lowe says that you said when he produced the envelope, "Oh, we have got a number of those here." This is what Mr. Lowe said: "I went straight down to the post-office to ask if they could tell who box 912 belonged to. The young lady at the counter said, 'Oh, we have a number of those here,' and she showed me what they contained—she showed me one of the full ones." Now do you recollect him producing the envelope?—Yes.

11. Did you give him any information about those in your possession?—I showed him one circular.

12. From an open envelope?—Yes; I do not know whose it was.

13. Was it from an envelope bearing the same superscription?—Yes.

14. Did you have a number of envelopes bearing that superscription?—I saw them on the table; I did not handle them.

Mr. Ostler: A number?

Mr. Gray: Yes.

15. *Mr. Gray.*] What were they doing on the table?—They were waiting to be redirected.

16. Did they then bear wrong addresses?—I did not look at any of the addresses. The head letter-carrier was redirecting them, and they were in front of him.

17. What did Mr. Lowe say after seeing the form or circular?—He said, “If it is only printed matter I will not trouble any further.” I offered to give him an inquiry form, but he would not take it.

18. Did you read the circular?—No.

19. *Mr. Ostler.*] Did you know, Miss Blandford, when Mr. Lowe came in and showed you the empty envelope—did you know the contents of the other circulars?—No; I had not seen them.

20. How are you able to tell him you had many of the same sort in the office?—I saw them lying on the table.

21. After he asked the question?—Yes.

22. And you took one and showed him?—I showed him that it was printed matter—that is all.

23. And you yourself did not know what the printed matter was about?—I noticed that there was something typed at the top about the Protestant Political Association. I did not read anything else.

24. Were some of the other envelopes that passed through your post-office empty?—I did not see any others.

25. You cannot tell whether they were empty or not?—No.

DAVID GEORGE HAYES, Post Office Chauffeur, examined.

1. *Mr. Gray.*] What is your full name?—David George Hayes.

2. What are you?—A chauffeur in the Post-office at Auckland.

3. What are your duties?—I am on the night clearance.

4. What are your duties?—Driving the lorries to collect mails.

5. Were you on night duty in the week beginning the 2nd July?—Yes.

6. And in pursuance of your duties did you collect letters from the Dominion Road post-office amongst others, and take them down to the Post-office?—Yes.

7. What time did you collect the letters at the Dominion Road post-office?—About 12 o'clock.

8. When did you finish your round and get down to the Post-office?—About 1.15 or 1.20.

9. When you took the letters out of the Dominion Road post-office what did you do with them?—Put them in a bag, took them to the car, and emptied them into a basket.

10. All letters, I suppose, are put into that basket?—Yes.

11. And when you took them out of the car at the Post-office what did you do?—Took them out of the car into the office, and put them on the sorting-table.

12. Who took charge of them?—Mr. Linton.

13. Was that practice followed every night during that week?—Yes.

14. It was necessarily followed on the 3rd and 5th?—Yes.

15. Did your duty so far as those letters were concerned end there?—Yes.

16. Was there any act of interference with any of the letters you took out of the Dominion Road post-office between the times when you took them out of the pillar and when you put them on the sorting-table?—No.

17. Did you examine any of the letters?—No.

18. Did you do anything more than was necessary to take them from one receptacle and put them on the table?—No.

19. As you did not handle them, I need hardly say you did not abstract any of the contents of any of these letters?—No.

20. *Mr. Ostler.*] Do you go by yourself on these rounds at night?—Yes.

21. No other officer with you?—No.

22. When you get to a post-office such as Dominion Road post-office, are the letters already made up in a bag or do you bundle them in?—I bundle them in.

23. I suppose you have got to look pretty sharp to finish your round?—Yes.

24. Is there any record kept of the time you clear each box at night?—Not each box. A record is kept of the time we come in and go out.

25. How is that record kept: is it kept in the General Post-office?—Yes.

26. Do you have to sign some book?—Yes.

27. Have you looked at the book to see what time you arrived on that night?—No. I generally arrive at the same time.

28. You then sign the book to say what time you did arrive?—I sign to say what time I went out on the second round.

29. Then you do not sign to say what time you bring those letters to the General Post-office?—No.

Mr. Ostler (to Mr. Williamson): Have you looked up the book?

Mr. Gray: Yes.

Mr. Ostler: Is there any objection to producing the book?

Mr. Gray: No.

30. *Mr. Ostler:* All you have in that book is the time you left on the second round?—It is the time we left for the first and then for the second.

31. Were the Dominion Road letters brought in in the first round?—Yes.

32. It was about ten or fifteen minutes past 1 you got in on the first round?—Yes.

33. *Mr. Gray:* It may have been thought, in view of the question I asked the First Clerk, that I made a deliberate omission. May I ask, are you a Roman Catholic? Or what is your brand of religion?—A Presbyterian.

ALEXANDER LINTON, Clerk, Chief Post-office, Auckland, examined.

1. *Mr. Gray:* What is your Christian name, Mr. Linton?—Alexander.

2. You are one of the night sorters, I think?—In charge, sir.

3. How long have you been in the Auckland Post-office?—About fifteen years.

4. How long in the Postal service?—Nineteen years.

5. How many years have you been engaged in or connected with sorting?—Pretty well all that time—fifteen years.

6. You may consider yourself an expert by this time?—Yes.

7. We have been told that on each night, including the 3rd and the 5th, in the first week in July Hayes, the chauffeur, brought in correspondence collected by him on his round, and put it on the table and handed it over to you: is that correct?—Yes.

8. Let us speak of the early mornings of the 3rd and 5th July: do you remember those mornings?—Yes.

9. The chauffeur came in about a quarter past 1?—Yes.

10. Do you recollect that amongst the correspondence there was a large number of envelopes bearing the superscription of box 912?—There was a large number bearing a superscription which I did not notice.

11. I suppose you are used to seeing them, and did not take any notice of what it was?—It is a regular thing to have such correspondence.

12. It is a frequent thing to have letters going through your hands with some sort of superscription such as this?—Yes.

13. Your attention was not particularly directed to it?—No.

14. Were all those letters stamped and forwarded to be delivered in the usual way?—In the course of facing-up they were put aside and collected, and put through afterwards. We have a method, and if we have a lot of correspondence for Auckland we put it aside, and put it through the machine and send it upstairs. In the course of facing-up I noticed these. We put them aside and sorted them after the general clearance—

15. You noticed there were a large number of circulars bearing penny stamps and having a superscription on the front, and that many of them were for places outside the city, and would therefore not be deliverable by letter-carriers. You say you put them aside, as far as you could, until the general clearance had been disposed of?—Yes, that one particular clearance.

16. Then these were stamped and sent upstairs?—No, not sent upstairs—placed in baskets and left to be handed over to the morning letter-carriers' staff. Prior to these going through the machine—that is the practice with a number of circulars—I opened the flap of one.

17. What for?—For examination to see whether they could pass under the penny rate. I noticed when I opened it it was a lodge notice and a card. I naturally took it there was no embargo. Had the words "Vigilance Committee" appeared I would at once, I think, have recognized they were subject to censorship.

18. The notice "Box 912" did not convey anything to you?—We sign so many orders we do not remember any particular number, but we remember the text. That is the sole reason I let them go through.

19. It was either a lack of recollection or some lack of oversight on your part that allowed all these circulars to go through and not be submitted to the Censor?—I will not say that.

20. The strict order had not been complied with?—In regard to the word "Vigilance" it had. "The literature may probably be from . . ." Had I noticed the word "Vigilance" I would at once have held it up. I think the text of the order would have flashed through my mind.

21. Did you observe whether any of the envelopes were empty or not?—Not as far as I have any recollection. I do not remember any.

22. Is there any test employed by you or your assistants to see whether circular envelopes, or envelopes presumably containing circular matter, are filled or empty?—Only in the course of sorting. You hold a bundle of probably twenty letters in your hand; you take them by the corner; that finger presses on them, and you can feel the contents in them. If I in sorting felt that letter, and the letter was thin and the contents were not in, I would mark it accordingly. On this particular night I do not remember any in that way.

23. You know now, having had an experiment tried on you, that letters can be passed that were empty?—No; I refuse to take that as a test: it was not a genuine test.

24. You may be right?—I am perfectly right. This test was told me as a test. If that test was aboveboard—I was in the room—why was I not called to that case with the Assistant Postmaster and the Chief Postmaster—

25. What you suggest is that you were not responsible for the passing of these letters?—How do I know I did not put them in the "taxed" pigeonhole, where we put letters for outside Auckland?

26. You may not have been responsible for those. You are not prepared to accept that as a fair test?—No.

27. Is it possible in sorting a large number of letters such as these for the sorter to pass empty envelopes?—He may, one or two.

28. Out of 2,500?—I should not say there would be many missed. The communication I had with the Chief Postmaster in his room was that several hundreds were reported to have gone through—he was not aware of the facts then; I said I would take an oath several hundreds had not gone through.

29. One gentleman said “thousands”?—That would mean one in ten out of the number posted that night.

30. Who assisted you on these that night or morning?—Comrie.

31. And all letters that came in were dealt with in the ordinary way?—Yes.

32. Did you take anything out of any of the envelopes?—No.

33. When did you go off duty?—5 a.m.

34. Is there any reasonable probability of any of the contents of these letters having been abstracted or of any letters having been opened during the time you were on duty up to 5 a.m.?—No, none whatever.

35. I understood you to say you put many of these letters aside?—Yes.

36. Did any go through mixed with other correspondence?—There may have been one. I would not swear to one.

37. There were not more?—I think not. They were all the same size and thickness, and it is much better for us to put them through as circulars separately.

38. Would you ordinarily get a number of letters from other people in envelopes of that size and shape?—It all depends on the class of correspondence: invitations usually go through in square envelopes.

39. It is quite probable a number of square envelopes came in—not wholly in connection with box 912?—Yes.

40. You have been speaking about what happened on one of these nights: was the same process gone through on both nights or mornings?—As far as I remember.

41. You recollect a large number of these envelopes on two mornings?—Yes.

42. Do you recollect a number of letters coming through with the same superscription on them on the Friday night, the 6th July, or on the Saturday morning?—Yes.

43. They were closed, were they not?—Yes.

44. And they were stamped?—Yes.

45. What did you do with them?—According to instructions issued by Mr. Rudd, I detained them. The instructions told me to stop all correspondence with the superscription “Box 912.” As each clearance came in they were put aside; they were date-stamped after all the clearances were received in the office. I will not say they were date-stamped at 3—perhaps it was at 5, after all the clearances.

46. What does the date-stamp “3” mean?—They would be posted up to 3 o’clock; all after that would be stamped “5 o’clock.” If we were putting a clearance through at 3 o’clock we would wait until they went through. Practically they would go through at the same time as the last clearance received.

47. Is it possible for a letter to come in at half past 1 and bear the date-stamp “5 a.m.”?—No, “3 a.m.”; any after 3 would bear “5.”

48. This would mean they were stamped some time after 3 and before 5?—Yes.

49. After stamping what did you do with them?—I placed them on the bench alongside the stamping-machine, and handed them over to the incoming officer, Mr. Cotter.

50. Did you give him any instructions?—I told him that according to instructions received they were to be held up and submitted to the Censor.

51. That ended your connection with them?—Yes.

52. Do you remember how many there were?—A bundle about that long—anything from one hundred and fifty to two hundred.

53. Some blue, some white envelopes, with the “Box 912” stamp on them?—Yes.

54. *Mr. Ostler.* How long have you been a letter-sorter?—About twelve years, I should say.

55. I suppose with twelve years’ experience you would become pretty expert?—Yes.

56. I just want you to say what was in these envelopes: you say you opened the flap and had a look?—There was a card and that circular.

57. There are about twenty. Would you mind taking those in your hand? Is it possible that sorting twenty filled envelopes all the same size, and all containing that card and that circular, you would pass an empty one?—I hardly think so. You go by the weight. An expert sorter is so accustomed to the weight of circulars, all the same weight and the same thickness. It is a matter of opinion. My opinion is that I would not.

58. Suppose by any chance you should miss one or two: is there any further check in the Post-office?—There should be.

59. What check?—The letter-carriers’ sorters.

60. Where they are sorted again?—Yes.

61. Are those letter-carriers’ sorters fairly expert in sorting?—They should be.

62. Are they men of some years’ experience?—I believe so.

63. You have mentioned in reply to Mr. Gray that you do not accept those eight letters being put through the post as a fair test of your ability to detect empty envelopes: would you mind telling me why?—Yes. In this particular instance all the letters with “Box 912” were sorted

together. They were kept separate, and therefore you would know the weight of each envelope, and should the contents be missing you would more easily detect the empty envelope than in the general sorting of letters.

64. The whole of these were put aside and forwarded together?—Yes.

65. Whereas those would be mixed up amongst——?—I am to assume they would be placed among ordinary letters in front of me—I have no idea whether thick or thin letters. The size or weight does not compare with these. Therefore I consider the test was not a genuine test.

66. On the night you are to assume those went through the Post-office how many thousands of letters went through your hands?—Which night?

67. On the morning of the 1st August—at 9.15 a.m. on the 1st August—how many thousand letters would go through your hands on that morning?—Not many at that hour of the morning: the postings had not started.

68. Was it a busy morning?—I have no recollection.

69. Mr. Williamson has produced the Post-office file in which you were asked to explain why the attached envelopes were not endorsed "Posted without contents": those are the four in front of you?—I understand there were only two attached at the time. The pin-holes are proof.

70. Was this your explanation: "The attached envelopes bear the date-stamp impression of the 1st August, 1917, and the request for explanation of my passing same without contents dated 6/8/17, six days after alleged oversight. Unless my case was checked in my presence I refuse to take the responsibility of passing same"?—Yes.

71. Is it usual when a sorter is asked to explain the passing of empty envelopes that they should wait six days?—Not in a test case.

72. Do you know of any such test case having been conducted by the Post Office before, in any connection?—In connection with other matters, yes.

73. *Mr. Gray.*] With regard to the sorting of these letters, you say you had to examine one and satisfy yourself it contained printed matter?—Yes.

74. Having examined one, you assumed all the rest were like it?—Yes. I may have examined two or three.

75. You were satisfied from your examination of two or three that all the letters were of the same character?—Yes.

76. You therefore, I suppose, felt under no obligation or necessity to make any examination of the rest?—No; that is the usual examination.

77. In your reply to the request to explain the passing of these notes you practically decline to admit error on your part?—I do not decline; but it is quite possible in the ordinary course of post, but hardly possible in the case of a number of circulars.

78. Your answer is tantamount to a refusal to admit an error of this sort?—No; I said there was the possibility of one or two, but not one in ten or one in twenty.

79. It is not an unusual thing for tests to be made when occasion arises to see whether matter can go through in that way and the officers are performing their duties? You have known of tests, perhaps not of the same kind?—Yes; but not under the same conditions as mine.

80. Have you any idea how my friend Mr. Ostler came to know that a test had been applied in this case?—I have no idea.

Mr. Ostler: I did not know until I asked Mr. Linton, and Mr. Linton told me. It was something I stumbled on in the course of cross-examination.

DOUGLAS SIDNEY ALEXANDER COMRIE, Cadet, Post-office, Auckland, examined.

1. *Mr. Gray.*] What is your full name?—Douglas Sidney Alexander Comrie.

2. You are in the Auckland Post-office?—Yes.

3. What is your position there?—Cadet.

4. How long have you been there?—In this Post-office, about nine months.

5. How long in the Postal service?—Nearly five years.

6. Were you on the night staff assisting Mr. Linton on the nights of the 2nd and 4th July and the early mornings of the 3rd and 5th?—Yes.

7. Do you recollect the chauffeur Hayes bringing in the letters collected on his round?—Yes.

8. And putting them on the sorting-table?—Yes.

9. You heard the evidence of Mr. Linton?—Yes.

10. Did he give a correct description of what was done with the letters after they came in?—Yes.

11. Did you yourself examine any of these letters which bore the superscription "Box 912"?—We both examined them.

12. For what purpose?—To see if the postage was correct.

13. That is, to see if they complied with the regulations?—Yes.

14. Did you observe what the contents were?—I knew it was from a lodge.

15. You saw it was printed matter?—Yes.

16. How many did you examine?—One.

17. Were you satisfied from your examination of one that all the rest with this post-office box mentioned on the front were of the same kind, and that it was not necessary to examine any more?—Yes.

18. Who else does the sorting? How many would he examine?—I could not say how many. Mr. Linton would know of those. I was sorting while he was putting some through the machine.

19. Were you both busily occupied until 5 a.m.?—Yes.

20. I must ask the question, I suppose: did you handle any of the contents of these letters?—No.

21. Or remove any?—No.

22. Do you know that eight envelopes addressed to various persons were put through the post?—No; I do not know that eight were put through.

23. Did you know that any were put through?—Yes, I know of two of them. I sorted two away, and I got a report afterwards.

24. Do you know that those two envelopes were empty?—I know now.

25. How came you to pass them?—I cannot say. I do not remember the letters.

26. But you are satisfied they went through your hands?—I took the Chief Mail Clerk's word for it.

27. So that if you really did sort those letters you allowed them to go through—I do not say improperly—you allowed them to go through empty?—Yes.

28. *Mr. Ostler.*] I understand you to say with regard to those envelopes containing the circulars you put them through the machine to get the postmark, and Mr. Linton did the sorting?—He put some through the machine, too.

29. He principally did the sorting?—I did a fair amount of it, too.

30. When you get a bundle of letters all the same size and all containing the same contents—all containing a card amongst other things—is it likely you would not notice if any of them were empty?—I should think I would notice.

31. How many years' experience have you had as a sorter?—About two years.

32. And you think you would notice whether one of those envelopes was empty?—I think I should.

33. Did you mark any one as being empty?—No.

34. Or Mr. Linton?—Not that I know of.

35. Were you asked to explain why you had let through two empty envelopes?—Yes.

36. Were you asked in writing to explain?—Yes.

37. And your explanation was in writing?—Yes.

Mr. Ostler: I understood Mr. Williamson to say this morning he was never asked for an explanation.

Mr. Gray: I think Mr. Williamson said the explanation was verbal.

Mr. Williamson: I had no knowledge. If he was, I had forgotten.

Mr. Ostler: At any rate, you were asked. (To Mr. Williamson): Would you mind producing the writing?

Mr. Williamson: It is not here. It will probably be in the office. I will get it. [Produced later.]

38. *Mr. Ostler.*] How long after the event were you asked? Apparently these letters are said to have been posted on the 7th August: how long after were you asked to explain?—I think, the same morning.

Mr. Ostler: It is very curious—one left six days and the other asked the same morning.

JOHN ROBERT HERD, Messenger, Post-office, Auckland, examined.

1. *Mr. Gray.*] What is your name?—John Robert Herd.

2. What are you?—A messenger in the Post-office, Auckland.

3. How long have you been in the service?—About two years.

4. Were you in the Post-office on night duty on the nights of the 2nd and 4th July and the early mornings of the 3rd and 5th?—Yes.

5. What were you doing?—We were taking the mails to the boats departing and bringing the mails from boats arriving, and when we had finished our duty we went into the mail-room and helped face up the letters.

6. Who was the other?—Brady.

7. Whom did you assist in doing that?—Mr. Linton and Comrie.

8. You were assisting to get the letters ready to put on the stamping-machine?—Yes.

9. Did you have anything to do with them after that?—No.

10. You did not handle them beyond facing them up? You know nothing about whom they were from or whom addressed to?—No.

11. You did not handle them in any way, or the contents?—No.

12. *Mr. Ostler.*] Are you often in the mail-room in the performance of your duties?—Almost every day.

13. Does it sometimes happen that the contents of circulars fall out about the floor?—I have not seen any.

14. Have you seen no instance at all?—No.

15. Have you not after a mail has been sorted seen instances of matter fallen on the floor which had fallen out?—Only newspapers.

16. Suppose you found matter lying about the floor, what would you do with it?—Pick it up and give it to the senior officer on duty in the mail-room.

17. That is your instruction?—Yes.

18. You did not see any contents of envelopes strewn about the floor either on the morning of the 3rd July or the 5th?—No.

19. You say you were engaged in the duty of taking mails to departing boats and bringing mails from arriving boats?—Yes.

20. Do you do that with a motor-car?—No.

21. How do you carry the mails?—On a post-office truck.

Mr. Gray: In sealed bags.

22. *Mr. Ostler.*] Quite so. They have been made up. Is the truck pushed right down to the wharf from the Post-office?—Yes.

LAUNCE ET ERIC BRADY, Messenger, Post-office, Auckland, examined.

1. *Mr. Gray.*] What is your name?—Launce Et Eric Brady.
2. You are a messenger in the Post-office at Auckland?—Yes.
3. How long have you been there?—I have been in the Department five years.
4. How long have you been in the Auckland office?—A little over two years.
5. Is it part of your duty at night to do what the last witness said he was doing?—Yes, it is part of our duty; we get our own work done first.
6. Were you engaged in the early mornings of the 3rd and 5th July in taking mails to steamers and bringing mails from steamers?—We have mails pretty well every night. I cannot swear to those nights.
7. Do you recollect whether you were doing any work in the mail-room on those mornings?—We have to sweep the mail-room every morning.
8. Did you have anything to do with the facing-up of the letters?—Probably we did.
9. Did you have anything to do with the handling of the letters other than seeing they were faced the right way for the machine?—No.
10. Did you examine any of the letters to see whom they were for or from what source they came?—No; it is not part of my duty.
11. And I understand you did not handle them?—No.
12. *Mr. Ostler.*] You heard the last witness?—I did.
13. You have swept up the mail-room every morning?—Yes.
14. Do you ever find contents that have fallen out of letters when doing that?—No, I have never done so in the mail-room.
15. And you have been in the mail-room how long?—Two years.
16. And never on one occasion have you found the contents of a letter on the floor, or the contents of a letter containing a circular?—No.
17. For the purpose of facing up letters, of course, you must handle them?—Yes.
18. Do you work at a table when you are facing them?—Yes.
19. Assisting one of the sorters, I suppose?—Yes; usually the two of them.
20. Is it a fact that there are two tables at which they work in the mail-room?—There is one facing-up table and there is a machine on both. There is another table with a machine on, too.
21. Does it not sometimes happen that one sorter is working at one machine and another at the other?—I have never seen it.
22. Do they usually work on one machine?—Yes, usually.
23. And they sort at a great rate, I suppose?—Yes.
24. And their attention is naturally wholly on their work?—Yes.
25. And they leave each of you to go about your work of facing them up just as closely?—They are usually there facing up with us. We are not allowed to face up by ourselves.
26. What do you mean by that?—There must be a mail-room officer in the room.
27. Explain how you do this facing up?—We pick the letters up and place them all in the one position. They are in a heap on the table. We pick them up and spread them out, and put them facing up the same way.
28. *Mr. Gray.*] I take it, in facing up like this your work is supervised by a senior officer?—Yes.
29. You are not allowed to do any facing up unless the senior officer is with you?—No.
30. May I take it that in the mornings of the 3rd and 5th there was only one table in use?—Yes, while I was there.

JAMES COURTNEY, Clerk, Chief Post-office, Auckland, examined.

1. *Mr. Gray.*] Your name?—James Courtney.
 2. You are in the Post-office in Auckland?—Yes.
 3. How long have you been there?—Twelve years.
 4. How long have you been in the Postal service?—Fourteen years.
 5. What are your duties?—Postal sorter.
 6. Did you come on duty in the early hours of the 3rd and 5th July?—Yes.
 7. What time did you come on?—On the 3rd, I believe, half past 5, and on the 5th at 5 o'clock. I am not quite sure: I could tell from the time-book.
 8. What were your duties when you came on?—I was on a particular line making up all mails for over the water and Kaipara line. That was the first duty. I would have to sort the correspondence for those places.
 9. When you came on, was there correspondence in the sorting-room? What would have happened to the correspondence sorted by Linton and Comrie up till 5 o'clock in the morning?—They would put it in the basket ready for the letter-carriers to take away to their own room. Whether the correspondence would be in the room or not would depend upon whether the letter-carriers had come on duty. Whether it was in the room I could not say.
 10. Are you able to say whether you handled any correspondence when you came on duty that was taken out by the letter-carriers on those two mornings?—I could not say.
- Mr. Ostler:* No questions.

AUCKLAND, WEDNESDAY, 22ND AUGUST, 1917.

J. C. WILLIAMSON, Chief Postmaster, Auckland, further examined.

1. *Mr. Gray.*] You were asked yesterday by my friend Mr. Ostler whether certain officers had not been convicted of certain offences or charged with certain offences, and he supplied you with the names of three individuals. Have you since investigated those cases and looked at the files? —I have, and I think I stated at the time that I did not recall the cases—for a very good reason. In one case the officer was sentenced to imprisonment; but that happened in June, 1914, about eighteen months before I came here. In the case of another officer, his conduct was inquired into. He was not suspended; it was found he had not taken the letters he was charged with taking, and one of the Public Service Commissioners held an inquiry and completely exonerated him. In the case at Elliott Street, a cadet there was dismissed for taking a few stamps from parcels.

2. And those are the results of the three cases specifically referred to by my friend yesterday with the names of the officers supplied to you?—That is so. In the second case I was absent from Auckland, and somebody else took action.

3. That will account for your absence of recollection?—Quite.

4. You were asked yesterday to produce Comrie's explanation of those letters passing through the post: is that it?—That is the explanation.

5. He is called upon for an explanation: "Mr. Comrie,—The attached letters were sorted by you this morning. Please say why they were allowed to pass and not marked 'Posted without contents.'—J. Carlaw, 7/8/17." Mr. Comrie's explanation is: "Have no explanation to make. Regret oversight.—D. Comrie, 7/8/17." You will observe he is called upon for explanation on the 7th August; and Mr. Ostler remarked that Linton was called upon on the 7th to explain the passing of letters by him on the 1st. Can you explain why there was such a delay, and no delay in Comrie's case?—As I said yesterday, it was a matter of opinion, of course, whether envelopes without contents would or would not be passed by the sorters. It was ascertained that Linton had passed those produced yesterday without contents, and it was desired to see whether the clerk who had been on with him would or would not be likely to do the same thing. Before asking for the explanation of Mr. Linton this second test was made. Of course, that other test could not be made if it was known in the mail-room it was going to be made. Therefore the asking for an explanation was held back.

6. *Mr. Ostler.*] In addition to the names I have given you, do you know anything about a letter-carrier you had dismissed just recently?—Yes.

7. Is that the name [slip handed to witness]?—I see the name.

8. Do you know anything about him?—We had one temporary letter-carrier—

9. Is that his name?—I would not like to say. I cannot recall the name just at present.

10. That was for interfering with letters, was it not?—The case I am referring to was one in which letters were detained—not delivered at the time they should have been.

11. How long ago was that?—Probably four months ago.

12. I am not blaming you: these things must occur?—I quite understand.

13. There was one question I omitted to ask. I asked Mr. Morris if he had not had a complaint that 205 petitions in favour of six-o'clock closing were posted at Morrinsville and over a hundred had been alleged to have been abstracted in course of post. Mr. Morris said he had not heard about it: have you?—Yes.

14. Those petitions were alleged to have been posted at Matamata?—That is so.

15. It is a complaint by the New Zealand Alliance that over a hundred were abstracted in course of post?—That is the allegation.

16. About that stamp paper—I omitted to ask you a question about that: do you suggest that that was not put on while it was in the custody of the Post Office or the Military Censor?—I suggest it was not put on while in the custody of the Post Office. As far as the Military Censor is concerned, I cannot say.

Mr. Ostler. Curiously enough, this letter was put into my hands this morning. The writer complains that on the back of the envelope—

Mr. Gray. Excuse me, I think this person ought to be called. Mr. Ostler ought not to read the words of the letter.

Mr. Ostler. I was merely going to say what information had been given. If necessary I will call the witness. A complaint that on the back of an envelope which she had received there is a stamp-edging paper sealing it down, dated the 19th August, 1917. I would like to read just the words of the letter: "I wonder—"

Mr. Gray protested. My learned friend is attempting to make evidence of a kind for his client: if the witness could be called—

17. *Mr. Ostler.*] I want to ask Mr. Williamson if stamp paper is not sometimes put on envelopes while in course of post?—Not to my knowledge. I have never heard of it.

18. *Mr. Gray.*] With regard to the Morrinsville statement, that, you say, is still under inquiry?—Yes.

19. And so far the truth or falsity of the complaint has not been determined?—It has not been determined.

G. W. RUDD further examined.

1. *Mr. Gray.*] I forgot to ask about your qualifications as a letter-sorter: what experience have you had as a letter-sorter?—A lifetime.

2. I understand you were for some time engaged as a Mail Agent in the San Francisco mail-service: how long?—Six or seven years.

3. In the course of that agency did you have ample opportunity of exercising your skill as a letter-sorter?—I did.

4. What number of letters would you be accustomed to handle on a trip?—On a round trip, about five hundred thousand or six hundred thousand.

5. In your opinion is it possible that a man sorting a large number of letters quickly can detect readily whether the envelopes he is sorting are full or empty?—No.

6. Why do you say so?—At the speed he cannot detect it. A good sorter sorts at the rate of five hundred letters in eight or ten minutes.

7. Are Comrie and Linton good sorters?—Linton sorts about five hundred in twelve minutes. Comrie is not so good.

8. Do you think it would be possible for Mr. Linton, sorting at that speed, to detect merely by the pressure of his finger and thumb whether the envelopes were full or empty?—No.

9. *Mr. Ostler.*] If that was the case, Mr. Rudd, what was the value of this beautiful test you took part in—this test by which you slipped a few odd letters through?—Mr. Linton passed them.

10. Mr. Linton was told he passed them seven days afterwards, you mean. Do you mean to tell me, Mr. Rudd, that a letter-sorter of a number of years' experience taking a bundle like that could not tell whether one was empty?—At the speed he was sorting—five hundred in eight or ten minutes—

11. Did you not discover one empty in that lot?—I will start again. [Bundle sorted.] No.

Mr. Ostler: So much for your skill as a letter-sorter. There was one I emptied on purpose.

Mr. Gray: He was not looking for it.

Mr. Ostler: You found it after you knew.

Witness: I found it the second time.

12. *Mr. Gray.*] Your practical demonstration has showed that you, an expert letter-sorter, missed one letter in the packet?—Yes.

13. So it is reasonable to suppose any other expert letter-sorter might do the same thing?—Yes.

14. In regard to the test applied to Mr. Linton, was not that test applied because it was alleged he had passed empty envelopes and he repudiated the idea?—Yes.

HUGH GAMBLE MCCREA, Head of Mail Staff, Chief Post-office, Auckland, examined.

1. *Mr. Gray.*] Your name?—Hugh Gamble McCrea.

2. You are head of the mail staff?—Yes.

3. How long have you been in the office?—Thirty years, speaking from memory.

4. In Auckland all the time?—Yes.

5. How long have you been head of the mail staff?—Eight or ten years.

6. Do you recollect coming on duty on the morning of the 3rd July?—I do not recollect unless I see the time-book.

7. Or the morning of the 5th?—I cannot tell. [After consulting time-book witness said he came on duty at 7.10 a.m. on the 3rd and 4.50 a.m. on the 5th July.]

8. In regard to the 5th: would that be before the night staff left?—Yes.

9. Was anything special done to any of the letters in the mail-room after you arrived?—Nothing special.

10. Just the ordinary course followed?—Yes.

11. Have you any reason to suppose that after you came on duty at ten minutes to 5 any officer tampered with any letters in the mail-room?—No.

12. *Mr. Ostler.*] After you came on duty the letters went upstairs, I suppose?—The letter-carriers' sorters would take the carriers' letters upstairs or send them up on a lift.

13. And there they would be handled by other officers?—Yes.

14. You do not know what happened to them there?—No.

15. Do you happen to know where the Postal Censor works?—In the Chief Postmaster's Chief Clerk's room.

16. Are there any other persons in that room where he is working?—Yes.

17. Is he ever in the course of his duties called away from his work?—Yes, I think so. I am only speaking from memory.

18. It would be natural he would have to go a short time away for various things. Does he work at a table by himself?—Yes.

19. How many years' experience have you had in the Post Office?—Over thirty-seven years.

20. Does it ever happen that the contents of an envelope are found after sorting in the mail-room?—On very rare occasions it does.

21. What then is the duty of Postal officers with regard to those contents?—They send the contents to the Dead Letter Office.

22. And the Dead Letter Office, I suppose, returns them to the sender if they find out who the sender is?—That is so.

23. Did you on the morning of either the 3rd or 5th July observe any contents of envelopes on the floor?—No.

24. Would you have observed them if they had been there?—I would have.

25. Have you been most of your time in the Auckland Post-office?—Yes.

26. How many years in the Auckland Post-office?—About thirty-two, I think.

27. Can you tell me whether there are a considerable number of Roman Catholics in the Postal service in Auckland?—No, I cannot.

28. I suppose you know there are some?—Yes.

29. Have you ever known of trouble between the Protestants and the Catholics, or between a Protestant and a Catholic, in the Post-office?—What do you mean by "trouble"?

30. Well, friction between them?—No; I cannot say there was friction.

31. Have you ever known of instances of friction? [Two names handed up—as to Mr. Rudd.] Did you ever hear of trouble between those two men?—I never heard of trouble; I know there was a little difference.

32. *Mr. Gray.*] Have you any reason to suppose it was on account of religious matters?—Well, religion was brought into the question.

33. I suppose one may expect to find that in every place where there are a large number of men employed belonging to different religious persuasions?—Yes.

34. Nothing special in it?—No—very mild.

35. You work in a room below the Chief Clerk's room?—I do.

36. Have you occasion very often to go into that room?—Not very often.

37. And you do not know much about the Censor's working or his habits?—No.

WILLIAM COTTER, Assistant Head of Mail Staff, Chief Post-office, Auckland, examined.

1. *Mr. Gray.*] What is your name?—William Cotter.

2. What are you?—Assistant head of mail staff in the Auckland Post-office.

3. How long have you been there?—A little over three years.

4. How long in the Postal service?—Twenty-six years.

5. Did you go on duty in the early morning of the 3rd and 5th July?—Yes, at 5 o'clock.

6. Were you then in charge of the mail staff?—Yes, until 7 o'clock.

7. Was the sorting of mail-matter then completed by the night staff?—Yes, it was all completed.

8. Where was it?—The primary cases were all cleared, the correspondence for the private boxes was in the divisions, the counter letters in their divisions, and the letter-carriers' correspondence was in baskets ready to be sent upstairs.

9. What was done after you went on duty: was the ordinary routine followed?—Yes.

10. No special treatment of correspondence?—Nothing at all.

11. Did you see anything lying on the floor which would indicate that anything had fallen out of envelopes?—No; there was nothing on the floor.

12. Have you had experience of sorting?—I have had a fairly wide experience.

13. Would you mind looking at some of these envelopes—they are the ordinary square envelopes: I dare say you are familiar with them?—Yes.

14. I think they are all of the same character. Can a sorter, no matter how expert, sorting a large number of letters of that shape and size tell accurately whether any envelope is empty?—Well, it is possible for him to allow an occasional letter to go through, I should imagine, if he is working very quickly.

15. Well, letter-sorters, I suppose, who have a lot of correspondence to deal with do not waste any time over it?—No; they have to exercise speed.

16. Would you say from your experience that it is not an uncommon thing for a man to pass an envelope with nothing in it without noticing the fact?—It has happened. I do not say it is a common occurrence.

17. Supposing a mail-sorter were sorting 1,250 letters of that character?—It is more likely to happen then.

18. Which had come in by the morning collection and were being sorted in the early hours?—Under the conditions under which these letters arrived, I should say it is more likely to happen than when the letters are mixed. In this case most of the letters would be for the letter-carriers' delivery. There would be a good run for the same divisions in the sorting-cases. A man would go through his work much more quickly, and there would be more likelihood of his passing them.

19. And you must take into account that the 1,250 letters would not be the whole mail?—When that arrived in the office the majority would be lying in the same direction and faced up together, and therefore the man would deal with them at the same time.

20. Would he be justified in supposing that they were all of the same character and would not require any special attention?—Yes; he would work quicker.

21. *Mr. Ostler.*] Have you had a look at these letters?—I have seen these [on the table].

22. Some of those are empty, some full. You have observed that those that are full have a considerable amount of filling—a bit of cardboard and a sheet. They vary—different weights. Take that bundle into your hand: those all contain circulars and cards as far as I know: do you think it likely that with three sortings, as we are told happens in the Post-office, they would be likely to miss the fact that there were empty envelopes?—It is not likely, but it is possible.

23. Anything is possible in this world; but it is not likely?—It is not an everyday occurrence.

24. Do you think that you, with your experience as a sorter, and sorting letters like that all by themselves, would have overlooked the fact that there were nine or ten empty?—It is possible I may have done so, if there was a good run of letters mostly for the same pigeonholes.

25. These, of course, were addressed for all the localities in Auckland, were they not?—They were mostly for Auckland and its suburbs.

26. They would not all go into the same pigeonhole, would they?—Practically.

27. You say it is possible: do you think it is probable?—Well, it is fairly probable. I consider that is the only explanation I can give.

28. How many years have you been a sorter?—I have been in the service twenty-six years.

29. Mr. Williamson has told us it would be a serious offence under certain circumstances if a sorter missed as many as ten empty envelopes in two thousand?—I am explaining how it may have occurred; I do not say a man is blameless.

30. Mr. Comrie was warned because he let through two envelopes like that in mixed correspondence. There is the minute warning him and blaming him for committing some offence. You think it possible; but I do not think you would like to say it is very probable?—It does not often occur.

THOMAS CORNWELL, Clerk, Chief Post-office, Auckland, examined.

1. *Mr. Gray.*] What is your name?—Thomas Cornwell.
2. What are you?—Clerk in the Post-office.
3. What are your duties: are you in the mail-room?—Yes.
4. Are you a sorter?—Not at present.
5. Have you had experience in sorting?—Yes, a good deal.
6. You have heard the evidence of the last witness, Mr. Cotter. What do you say as to the probability of a person passing a number of empty envelopes out of, say, 1,250 or thereabouts of matter like this where some of the envelopes are thicker than others?—I should say it would be even chances either way.
7. Then you would not condemn a sorter if in the early hours of the morning, a little while before going off duty, he missed a few letters in that way?—No; we are all liable to make mistakes.
8. You were not on duty in the early mornings of the 3rd and 5th July?—Not as far as I can recollect.
9. *Mr. Ostler.*] What do you think of the probability of three sortings taking place and ten envelopes being missed empty: would it still be an even chance either way?—I should say the chance would be smaller the larger number of hands they went through. The letter-carriers would have a better chance than either of the previous two.
10. You would admit the chance becomes smaller the more hands it passes through?—It must.
11. We were told by the last witness it does not often occur that ten envelopes out of 2,000-odd are passed by the sorters and they do not notice they are empty: would you agree with that?—I do not know how many complaints were made about them being received empty.
12. Would you agree it does not often occur that so many are passed all in the same sorting?—I should think it does not often occur.
13. *Mr. Gray.*] Would the fact that there were a very large number, apparently all of the same class, coming from the same persons, and containing the same matter, affect the sorter's methods?—Yes; one can sort faster if they are sorted into only three divisions instead of twenty or so in the sorting-case—if he has a good run.
14. Would he be apt to be a little less particular in his oversight if he believed he was sorting a very large number of the same class?—It should not be likely to make him any less careful.
15. Would the thickness of the envelopes have anything to do with determining his oversight?—It is very much easier to pass an empty thick envelope than an empty thin one.
16. We have here eight envelopes——
- Mr. Ostler:* This does not arise out of my cross-examination.
17. *Mr. Gray.*] We have here eight envelopes passed by letter-sorters, all of which were empty: they are not as thick, are they, as these other examples—the later examples are thinner than the circular matter?—Yes.

CYRIL DAVID KEANE, Clerk, Chief Post-office, Auckland, examined.

1. *Mr. Gray.*] Your name?—Cyril David Keane.
2. What are you?—Postal clerk.
3. In the mail-room at the Auckland Post-office?—Yes.
4. Are you accustomed to sorting?—Yes.
5. I want you to tell His Worship what your opinion is as to the likelihood of an expert sorter engaged in sorting a large quantity of mail-matter in the early morning hours——
- His Worship:* Ask his experience.
6. *Mr. Gray.*] What experience have you had?—Eleven years and a half in the mail-room.
7. A good deal of that time in sorting?—Yes.
8. Are you an expert sorter?—As good as they have got there.
9. Will you give me your opinion as to whether it is reasonable to suppose that a sorter like yourself would pass a number of empty envelopes under the circumstances described—that is, a very large number of letters apparently the same size and apparently circular matter from the same source?—It is possible I would let them go through without having contents. I do not put my hand all over the envelope. I may just pick it by the corner like that [illustrating the method].
10. Will you give an illustration: to begin with, how many letters do you take into your hand?—A good handful.
11. How do you sort?—There are cases for letter-carriers; other cases for different localities. There are sixty pigeonholes. Say I get a run for carriers—I just put them in like that. I would not take hold of the letter; I would take hold of the corner.
12. In point of fact, is there time to examine, in a large quantity of mail-matter, whether the envelope is full or not?—There is time. It all depends how fast you want to sort.
13. Well, if the letter-sorters are going off at 5 o'clock and there is a lot of matter to handle, there is not much time to waste?—It is not necessary they should sort it.
14. If they do sort it?—Yes.
15. Is it not a point of honour in the office not to leave work to other men?—Of course, every one tries to do what he is allotted to do.
16. *Mr. Ostler.*] It sometimes happens, then, that when the sorter's time to go off comes he has not quite finished the sorting of that mail?—Exactly.
17. He does not have to finish the sorting that he starts, but he leaves off at his time and the other man takes it up?—Yes—that is, if he is not finished.
18. I am glad to know that we have as good a sorter as there is in the office. Would you mind taking those in your hand and sorting them as quickly as possible, and tell me how many

are empty. You are not going as quickly as possible?—I am looking for the empty ones. When I am sorting I am not looking for them.

19. How many empty ones did you find?—I think I have five. There may be more.

20. The best sorter in the office has picked two empty ones and two full ones?—That is what I say.

21. *Mr. Gray.*] But that is not the way in which you actually sort?—Of course not. I was looking.

CHARLES EDWARD JAMES, Clerk, Chief Post-office, Auckland, examined.

1. *Mr. Gray.*] What is your name?—Charles Edward James.

2. Are you in the Auckland Post-office?—Yes.

3. How long have you been there?—In the Post-office, about twelve years; in the mail-room here, sixteen months.

4. Are you engaged in sorting?—Yes.

5. Do you call yourself an expert sorter?—Oh, no; just ordinary.

6. As an ordinary sorter it often falls to your lot to sort a good deal of mail-matter?—Yes.

7. Do you agree with the last witness that in sorting a large quantity of mail-matter it is quite possible for the sorter not to observe that some of the envelopes are empty?—Quite possible.

8. In sorting have you time to make a special examination, by feeling or otherwise, to ascertain whether open envelopes have anything in them?—It all depends on the amount of work to be done.

9. Would you expect it could be done when, with all the other city correspondence, there were 1,250 circulars of this kind to be sorted in the early hours of the morning?—It is quite possible some would be missed and some stopped.

10. Were you on duty in the early hours of the 5th July?—[After consulting the time-book witness said he was not on duty on the 3rd, but was on the 5th.]

11. At what time did you go on duty on the 5th?—5 a.m.

12. And you were engaged in the mail-room?—Yes.

13. Was the ordinary routine followed that morning?—As far as I remember, yes.

14. You do not recollect anything out of the ordinary being done with the correspondence?—No.

15. Just treated in the ordinary way. Do you recollect anything lying about the mail-room floor?—No.

16. *Mr. Ostler.*] I suppose it does not often occur that a batch of letters like these pass through all the sortings which take place in the Post-office without any being marked by the sorters “Received without contents”?—I should not think so.

FRED HARRY BUSH, Letter-carriers' Sorter, Auckland, examined.

1. *Mr. Gray.*] What is your name?—Fred Harry Bush.

2. You are one of the letter-carriers' sorters in the Auckland Post-office?—That is so.

3. How long have you been engaged in those duties?—About five years.

4. Will you kindly tell His Worship what the routine is with regard to the sorting for the letter-carriers in the early hours of the morning?—The letter-carriers' sorters who come on for that particular duty come on duty at 5 a.m., and the one who arrives in the office first of all clears the letters from the mail-room and sends them up through a lift. He goes through the mail-room, takes the matter for the letter-carriers' sorters and sends it up through a lift to the letter-carriers' sorters' room. He then goes to the letter-carriers' room upstairs, removes the letters from the lift, and after the necessary preliminaries—in the way of signing the attendance-book—the letters are sorted by the men on duty. They are taken out of the lift and put on the table.

5. As a matter of fact there are two letter-carriers' sorters?—Yes—three; but at present one is not doing sorting. The letters are separated by the mail-sorters in the mail-room into two divisions—city and suburbs. One of the letter-carriers' sorters takes the city letters and sorts them, and the other the suburban division.

6. And are they sorted into all the carriers' walks?—Yes—thirty-eight walks for the city division and thirty-five for the suburbs.

7. And each letter appropriated to its particular walk?—Yes.

8. Is any examination made during that process of sorting as to whether envelopes are full or empty?—Not unless attention is attracted to those envelopes by the feeling or appearance of them being thin and liable to be empty.

9. Would you mind taking that bundle into your hand. There are two kinds—one thick, white, and one not quite so thick, blue.

Mr. Ostler. Both the same quality.

10. *Mr. Gray.*] Would it be impossible for a letter-carriers' sorter in sorting a very large number of envelopes of that kind to miss seeing that some of them were empty?—It would be quite possible that he would miss noticing they were empty, considering the quality of paper, unless a flap was not turned inside the envelope, as this is; then attention would be attracted—at least, it would attract my attention.

11. Suppose some of these letters had been posted with the flaps out, would it be certain to be noticed in sorting rapidly?—I would not like to say absolutely certain, but I believe I would notice it.

12. You pay attention, do you not, to the addresses on the front?—More particularly that.

13. You have no reason to turn it over and look at the back?—I have no reason unless my finger at the back feels something unusual.

14. Such as the edge of a flap, for instance?—Yes.
15. Could it miss feeling that?—It might.
16. You do not think it likely?—I do not think it likely.
17. Take that one, for instance. You see a mark there: we have been told that represents the mark of the back roller of the stamping-machine. Do you agree?—It certainly agrees with what I have seen of the stamping-machine.
18. That obviously, then, was posted with the flap out?—I would certainly come to that conclusion if it came under my notice.
19. And that has gone through the post?—Yes.
- Mr. Ostler: The point is, we say it was full.
20. Mr. Gray.] That is not the question. That went through the stamping-machine with the flap out, and unless the letter-carrier noticed it and took the trouble to tuck it in, it would have gone right through in that way?—Yes.
21. Is it not quite possible it would go through the letter-carriers' sorter's hands without notice?—An envelope of that size—it is possible.
22. Mr. Ostler.] If when you are sorting you find a number of circulars have been sent through the post with the envelopes open and the flaps out, but still the envelopes have contents, I suppose you do not stop to tuck in all the flaps?—No.
23. You would leave the flaps: your business is to see, as you sort them, that they contain something?—If my attention was attracted to them in that way I would certainly examine them to see they had contents.
24. And if you found they had contents, and had the flaps open, you would not waste time tucking them in: it is no part of your duties, is it?—No.
25. I understand you to say that if an envelope comes through your hands like that empty and with the flap out it is not likely you would miss it?—It is not likely.
26. Mr. Gray.] Though it is quite possible it would be done?—It is possible, but not likely.
27. I want to ask a question that does not arise out of the cross-examination: do you recollect that an English and soldiers' mail came to hand by the Main Trunk between 6 and 7 a.m. on the morning of the 3rd July?—I do not have any clear recollection: I have been told of it.
28. Assuming that a heavy English mail was expected by the morning train between 6 and 7 o'clock on the 3rd July, would not a special effort be made to get ready for it—to clear the mail-room and clear all the mail-matter before it arrived?—It is only under exceptional circumstances that the sorting is not clear in the letter-carriers' branch when the Main Trunk train arrives.
29. We must take it that it almost always happens that all the matter has been disposed of before the mail comes in between 6 and 7 o'clock?—Yes.
30. Then we must suppose that the letter-carriers' sorters are very busy before the Main Trunk train comes in?—They are fairly busy, but, except under special circumstances, not hard pushed.
31. Would you have any time to interfere with the contents of letters if you were so disposed?—No, I do not think so.

WILLIAM ALBERT ABERCROMBIE, Letter-carriers' Sorter, Auckland, examined.

1. Mr. Gray.] Your name?—William Albert Abercrombie.
2. You are a letter-carriers' sorter in the Auckland Post-office?—Yes.
3. How long have you been engaged in that office?—About thirty years.
4. How long in your present duties?—About ten years.
5. We have heard from the last witness the process adopted for sorting letters. Did you go on duty at 5 o'clock on the morning of the 3rd July?—Yes.
6. You were not on early morning duty on the 5th?—No.
7. In the early morning of the 3rd was the usual process of dealing with mail-matter adopted?—Yes.
8. Who were engaged in sorting?—Myself and Mr. Bush.
9. No others?—Not till after the Main Trunk came in.
10. Before the Main Trunk came in had you disposed of all local matter?—Yes.
11. Then only you and Bush were engaged in dealing with that?—Yes.
12. Was anything special done with it—anything out of the common?—No.
13. For yourself, are you able to say whether there was any interference with any of the letters?—No, none.
14. Are you able to say from your experience as a sorter whether it is possible or impossible for sorters to miss seeing that the contents of envelopes posted as circulars are full or empty?—It may be possible to miss them if the envelope is stiff and thick.
15. How would you describe these square envelopes—they have been handled a good deal?—It is quite possible to put one in like that without contents and not notice it.
16. You would pass that kind of paper more readily than thinner stuff?—Yes.
17. Would you pass it as readily as that, for instance?—That is fairly stiff, too.
18. One is as liable to pass as the other?—Yes.
19. Mr. Ostler.] Did you have instructions to hold the correspondence of box 912 for the Censor?—No, I do not remember it.
20. You never had instructions?—I might have, but I do not remember.
21. Did you sign any of those orders in the order-book after having seen them?—
- Mr. Williamson: They do not sign it.

22. *Mr. Ostler.*] You do not remember having been given any such instructions?—I do not remember it.

23. Of course, I can quite understand it is possible for one of the sorters to miss an occasional letter without contents; but do you think it likely that these letters should have passed through all the sortings that take place in the Post-office and at least ten have been missed?—

Mr. Gray: Nine, I think.

Mr. Ostler: You produced another—Findlay—on your list.

Witness: If the envelopes were stiff they may have been passed.

24. *Mr. Ostler.*] Do you think it likely from your experience in the Post-office over a considerable number of years?—If they contained anything bulky I think it would be noticed if there was a thin one amongst them.

25. They all contained a bit of pasteboard and that sheet. Do you not think it is likely, seeing they contained as much as that, that you would have noticed?—

Mr. Gray: Had he not better take an envelope? There are full and empty ones in front of him.

Witness (after handling envelopes): One is much lighter than the other, and I think it would have been noticed.

HENRY GRIBBLE, Letter-carrier, Auckland, examined.

1. *Mr. Gray.*] Your name?—Henry Gribble.

2. You are a letter-carrier in the Auckland Post-office?—I am.

3. How long have you been there?—Seven years.

4. In the Auckland Post-office?—Just ten years altogether in the Post-office; seven years letter-carrying.

5. You are familiar with the handling of mail-matter given you for delivery?—Yes.

6. What was your round in the week beginning the 2nd July?—(After consulting time-book.) On the 3rd July, Queen Street in the morning from 8 o'clock—Queen Street, Elliott Street, and Darby Street. The same round on the 5th July.

7. Do you recollect delivering a letter to Mr. Mackrell, in Smith and Caughey's Building?—Bradford Building in Elliott Street? Yes.

8. Do you recollect delivering a letter addressed to Mr. Shackelford—the letter which you gave to Mr. Mackrell?—Yes.

9. Is that the letter?—Yes.

10. You remember it?—Yes.

11. It had not then, of course, got these extra stamps and postmarks?—No; I know it by the endorsement "Received without contents" in my writing.

12. Are those your initials?—Yes.

13. When did you make those marks?—Immediately after receiving it from the sorting-case when I arrived. The runs are in different streets. It seemed to me to be light, with the result I looked at it, and finding it empty I immediately directed the attention of one of the superior officers to it, and endorsed it. That was before I went out on my delivery.

14. Are you able to say whether, when you got it, the flap was turned in or out?—That I cannot say.

15. Do you know about these marks: what do they indicate?—They indicate, I think, the stamping-machine.

16. What do you say from looking at it now?—I should no doubt say the flap was outside the envelope when it was put through the stamping-machine.

17. And it would not be likely to be interfered with by anybody before being delivered to the letter-carriers?—No.

18. It would be nobody's duty to turn in the flap?—No.

19. Did you make a report to any officer of the fact that it was received without contents?—Immediately it came to my notice I took it to Mr. Bleakley.

20. Was he in charge of the letter-carriers?—At that time.

21. When a letter is received in that condition, is it your duty to take it out as you get it—in the state in which you get it?—That was my reason for taking it to a responsible officer. I asked what should be done. I was told to endorse it "Received without contents," and then deliver the cover.

22. Had you any conversation with Mr. Mackrell, the person to whom you delivered it?—I told him, "I have a letter here; I have endorsed it 'Received without contents.'"

23. *Mr. Ostler.*] I suppose you occasionally have empty envelopes when you go your rounds to deliver?—On very rare occasions.

24. I suppose you would be likely to remember so few cases?—It may be.

25. How was it you were able to recollect this instance so well?—You get into the way of handling full envelopes, and immediately after handling one the other appeared to be light.

26. Do I understand that you letter-carriers sort them up yourselves into convenient order for distribution: is that part of your duty?—It is.

27. And you do that in the Post-office before you start?—Yes.

28. At what time in the day did you receive this letter?—I could not say the exact time, but it was before the 8 o'clock delivery.

29. Would it be after half past seven?—That I could not say.

30. Might it be?—It might and it might not.

31. You say you reported it to Mr. Bleakley?—Yes.

32. Before you left the Post-office?—Immediately on discovery.

33. And you showed him the letter?—I showed him the envelope.

34. What was the use of delivering an empty envelope?—Well, if an envelope is addressed—anything that bears the address of a person and has a stamp on it would be delivered to that address.

35. Whether empty or not?—I take it so.

36. Did he instruct you to put on “Received without contents”?—He told me to endorse it “Received without contents.”

37. And you delivered it?—Yes.

38. Did you have other circulars of the same sort to deliver on that morning?—That I could not say.

39. These circulars which had the same endorsement, “If unclaimed within seven days please return to box 912”?—I may have had. I did not notice the request. My attention in putting up my round was in regard to the addresses on the envelopes.

40. Did you not notice when delivering the letter to Mr. Mackrell that it had those words on?—No.

41. And you did not notice whether others which you had to deliver had the same notice on?—No.

BERTRAM RICHARD SWAYNE, Letter-carrier, Devonport, examined.

1. *Mr. Gray.*] What is your name?—Bertram Richard Swayne.

2. What are you?—Letter-carrier, Devonport.

3. How long have you been there?—I have been in the service close on two years; letter-carrier three months.

4. Do you remember delivering a letter to Mr. Lowe?—I have no recollection whatever.

5. Mr. Lowe has told us that he received an empty envelope. Are you the only letter-carrier at Devonport?—No; there are five others.

6. Do you know Mr. Lowe’s place of business?—Yes; I serve it morning and afternoon.

7. You are the man whose duty it is to deliver letters to Mr. Lowe?—Yes, if addressed to his shop; if addressed to his house another boy delivers them.

8. Did you at any time take anything out of an envelope addressed to Mr. Lowe?—No; nor any other envelope.

Mr. Ostler: No questions.

HENRY LEONARD WEBB, Letter-carrier, Auckland, examined.

1. *Mr. Gray.*] What is your name?—Henry Leonard Webb.

2. You are a letter-carrier in the Auckland Post-office?—Yes.

3. How long have you been a letter-carrier?—Five years.

4. Do you remember delivering a letter to Mr. Bertie Smith, plumber, Mount Eden, in the first week of July?—I cannot remember any special letter.

5. Would you be the proper person to deliver letters to Mr. Smith, the plumber, at Mount Eden?—Does he live at Croydon Road?

6. Yes?—I would be delivering to him at that time.

7. Between the 1st and 12th July?—Yes.

8. Have you any recollection of delivering to him any letter with an empty envelope?—No.

9. It is hardly necessary to ask you, but if you delivered to Mr. Smith any envelope like this [produced], did you ever take the trouble to see whether the contents were in or not?—If it were open like that?

10. Yes; suppose the flap were turned in like that?—It would be impossible to examine, I think.

11. How many letters do you carry out, on an average, in the morning?—It would depend upon what mails were in.

12. Can you not tell on an average?—About three hundred, I suppose, on an ordinary day—that is, for one delivery.

13. Would you have time to examine every letter in delivering and see whether what looked like a circular envelope had its contents?—Well, we had a big English mail and troop mail that particular day.

14. Which day?—At the time those letters were delivered.

15. We do not know the exact date Mr. Smith got his letter. Leave out the question of the English mail and troop mail. You say the average number would be about three hundred: would you have time to examine every letter and see whether an open unsealed envelope had anything in it or not?—No.

16. *Mr. Ostler.*] I suppose you are not prepared to deny that you did deliver an empty envelope at Mr. Smith’s house if the lady who works at the house is prepared to say that you did? Would you be prepared to deny what she says?—No; I do not suppose I could.

MARTIN TURNER, Letter-carriers’ Sorter, Auckland, examined.

1. *Mr. Gray.*] What is your name?—Martin Turner.

2. You are one of the letter-carriers’ sorters in the Auckland Post-office?—Yes.

3. How long have you been engaged in that duty?—About eleven years.

4. You went on duty, I think, on the morning of the 5th July: perhaps you want to verify it by the book?—Yes.

5. At what time did you go on?—Five o’clock.

6. Would you immediately commence to clear the carriers' correspondence?—I would get the letters in the mail-room, in the first place, in a basket.

7. You come through the mail-room below; put the letters in an electric lift—they are already in a basket?—Yes.

8. Then you go up to the letter-carriers' sorters' room yourself?—Yes; I would put them into the lift, go up to the room, switch on the power—that would bring them up—put them on the table, and go on with my work.

9. On that morning who was sorting besides yourself?—Mr. Bush.

10. Then you proceeded to sort the letters into the walks for the letter-carriers?—Exactly.

11. How many carriers are there?—There were thirty-five walks in the suburbs and thirty-eight in the city.

12. In sorting letters for the carriers would it be possible to overlook the fact that some open envelopes bearing penny stamps had nothing in them?—If the flap was turned inside—a lot depends on the envelope.

13. Look at that one?—It is possible to pass that when you are busy.

14. And if it is possible to pass one I suppose it is possible to pass more than one?—Yes.

15. Would it be possible to pass half a dozen out of about fifteen hundred of the same kind?—Yes.

16. Was all the mail-matter sorted out for the carriers in the letter-carriers' sorters' room before the arrival of the Wellington mail on the morning of the 5th?—I could not say that. As a rule, we have everything ready waiting for the Wellington mail, to go on with a rush when that comes in.

17. Is there usually a good deal of mail-matter to sort before the arrival of the Wellington mail?—There is usually a fair amount: at the beginning of the month there is more; at the end it slackens off. At the beginning there are invoices.

18. This was the beginning. We have been told there were about 1,250 of these letters that morning: that would be a fairly bulky mail?—A fair amount.

19. Was any special treatment accorded to letters on that morning?—I do not remember any on that morning—the usual course.

20. Do you call yourself a good sorter?—About the average sorter.

21. Well, if you are dealing with many hundreds of letters, getting them ready, putting them into the appropriate cases or walks, you have got to sort fairly rapidly?—If there is a lot of work we sort faster. Sometimes there is a lot to be done, and we are rushing it through.

22. If there is a rush is there any time to examine letters?—If we were on the lookout for any letters to be censored we would go more carefully.

23. Were you on the lookout for letters for box 912 that morning?—I do not think so.

24. *Mr. Ostler.*] That is to say, you had no instructions to hold letters for box 912 for censorship?—There were instructions, but I do not think it was that morning.

25. You think it was later?—Yes.

26. Quite right; it was on the 6th. Do I understand you to say the letters you take upstairs to do your sorting are not always in the basket?—They may not be quite finished. They leave them in the case, and we go down afterwards before the south mail comes in, get the letters and papers, and everything to be cleared.

27. In answer to Mr. Gray you said that if the flap was turned in it was possible for you not to notice that an envelope was empty. Suppose the flap is open—suppose it is turned out—what then?—If it was sticking out you might catch hold of it when sorting; if it was pressed tight against it you might not.

28. If it was like that?—It is quite possible. There is a lot in the envelope. A lot of envelopes business people send out are quite thin—it is very easy to notice if there is nothing in them; but an envelope like that is rather thick.

29. We have been told—by Mr. Bush, I think it was—that it would be hardly possible to miss an empty envelope like that?—If the flap was sticking out you would be likely to notice it, but it would be quite possible to pass it.

30. Do you know in your experience of any case where out of 2,000 envelopes at least ten would be passed through empty?—I have known where people have been posting large numbers of circulars not sealed up and empty envelopes.

31. But they would be discovered?—Not always.

32. Do you think it likely that with the three sortings these letters underwent in the Post-office ten envelopes out of 2,000-odd could be passed through unnoticed?—I think it possible.

33. Do you think it likely?—Yes.

34. I think you are the first sorter who has been bold enough to say that in this room. What is your experience?—Twenty-three years carrier, eleven years sorter.

35. How long engaged in the letter-carriers' room?—The last eleven years, in the old office and the new office.

HUGH GEORGE WOODS, Letter-carrier, Auckland, examined.

1. *Mr. Gray.*] What is your name?—Hugh George Woods.

2. You are a letter-carrier in the Auckland Post-office?—Yes.

3. Do you recollect meeting Mr. Bilby on the Karangahape Road?—Yes, I do.

4. And having some conversation with him?—Yes.

5. Tell us, please, what the conversation was?—I do not remember exactly what it was; but Mr. Bilby came to me and asked me if I had had any of the empty envelopes. I treated it more as a joke than anything and passed off some remark, "Oh, perhaps." He said, "Will you give

me the name and address of some of the people?" I said it would not do, and passed off laughing. That was the only conversation I had with him.

6. Is it correct that he said to you, "Did you deliver any of those empty envelopes?" and that you said, "Oh, there were several on the round"?—I do not remember having said so; I may have done so. At the time there were many inquiries, and I may have said, "Yes, dozens of them."

7. If you said it, did you treat it as serious information?—I was treating it jokingly.

8. Had he any reason to suppose you were treating it seriously?—I was laughing the whole time.

9. By that time there had been a good deal of talk about delivering empty envelopes: you were treating it as chaff?—There were so many foolish remarks, I was treating it all jokingly.

10. Did you deliver a letter to Mr. Hannan?—Yes.

11. Would you know it if you saw it?—Yes.

12. Is that it?—That is it.

13. Whose memorandum is that at the bottom, "Received without contents"?—Mine.

14. And your initials?—Yes.

15. When did you put that on it?—I do not remember when; but it was the second delivery—after it was returned to me. It was delivered in the morning at his shop; and at midday Mr. Hannan showed it to me.

16. Were you there again at midday—the second delivery?—Yes; and Mr. Hannan showed me this envelope, and asked me if I knew anything of the contents. I told him I did not, and he told me to take it back and see if I could get anything. I showed it to Mr. McCullough, the head of the letter-carriers, and he said all I could do was to endorse it "Received without contents." I did that and delivered it.

17. When it was delivered the first time—in the morning—to whom did you deliver it?—To Mr. Hannan himself, as far as I remember.

18. Your attention was not then drawn to its condition?—No.

19. Then why did you put the note "Received without contents"?—I took his word for it. He said he had not received them. I took it back to the office and explained the position, and Mr. McCullough said all I could do was to endorse it.

20. Are you able to say whether the flap was in or out when you delivered it?—I did not notice.

21. Is there anything on it now to indicate whether it was in or out?—I should say it was out—by the stamping-bar.

22. Do you know Mr. Jamieson, of Hinemoa Road, Grey Lynn?—I know him.

23. Is he on your round?—Yes.

24. Did you meet Mr. Jamieson on the street some little time ago?—I heard he said we had a conversation; I do not know whether we had or not.

25. He told His Worship that he had a conversation with a postman on the 22nd July. He said, "Delivering empty envelopes?"—jokingly.

Mr. Ostler: Was that jokingly?

Witness: As I said, there were so many remarks passed at the time I do not remember; there were so many cases.

26. *Mr. Gray:* If Mr. Jamieson proposes to treat it as serious, what do you say?—I do not remember it.

27. *Mr. Ostler:* I suppose you are not prepared to deny Mr. Jamieson had that conversation with you?—I cannot deny it.

28. With regard to Mr. Bilby's conversation, this is the way he puts it—I want to know whether you will deny this—Mr. Bilby says first of all you delivered to him a letter, which you gave him: do you remember that?—Yes.

29. Then he said to you, "I suppose it is not empty?"—I do not know what the conversation was.

30. He says you then said, "No; I don't think so." I suppose you will not deny that?—I do not remember anything of it.

31. Mr. Bilby says he then said, "By the way, did you deliver any of those empty envelopes?"—I remember that.

32. Mr. Bilby says you said, "I had some on my round"?—I cannot remember.

33. He then said, "Whom did you deliver them to?"—I do not remember.

34. You then said, "It is not advisable to say anything about it"?—I said something to that effect.

35. Have you not received instructions as to what to do when an addressee complains that an envelope is empty?—In what respect?

36. Is there no rule in the Post Office as to what to do when an envelope is said to have been delivered empty?—I should say that they have to go down and make inquiries.

37. How long have you been in the Postal service?—In the letter-carrying close on two years.

38. How long in the Postal service?—Six or seven years.

39. Do you not know of a regulation which provides for an official stamp being put on the letter?—No, I cannot say that I do.

40. Do you know this rule: "Any letter or packet observed to be open or imperfectly sealed, excepting, of course, any article obviously intended to be sent open, must be carefully fastened or refastened with the authorized gummed label"?—

Mr. Gray: This was intended to be sent open. The rule does not apply.

Mr. Ostler: Mr. Hannan has said it was delivered open. "The officer who discovers such an article must immediately bring it under the notice of a responsible officer, when the contents must be verified in the presence of each, and the authorized label affixed and endorsed 'Found open' or 'Imperfectly sealed.'"

Mr. Gray: That does not apply.

Mr. Ostler: It was my mistake.

ERNEST HERBERT TAYLOR, Letter-carriers' Sorter, Auckland, examined.

1. *Mr. Gray.*] What is your name?—Ernest Herbert Taylor.
2. You are one of the letter-carriers' sorters in the Auckland Post-office?—Yes.
3. How long have you occupied that position?—Three years permanently.
4. The time-book is there: can you say at what time you went on duty on the morning of the 3rd July?—At 5.10.
5. What other sorter was there?—Mr. William A. Abercrombie.
6. Was Bush there that morning, too?—Yes.
7. Did you personally sort the letters from the tables into the various letter-carriers' walks?—I did.
8. Did you observe any envelopes such as these which were empty?—I remember sorting a lot of letters that morning. I could not say whether any were empty or not.
9. Your attention was not attracted to any empty envelopes?—No, not at all.
10. You recollect sorting a lot of circular matter with penny stamps on?—Yes.
11. Would it be possible, in sorting a large amount of mail-matter of this description, for the sorter to pass envelopes which were empty?—Yes; I think they would in a case like that.
12. Why "in a case like that"?—On the 1st of the month, and having to get the local mail through before the Main Trunk arrived.
13. Would the fact of twelve hundred letters of this kind being with the ordinary matter help to make you more busy?—Yes.
14. Would it be possible for the sorter to pass envelopes which had the flaps out?—No. I would not have passed them like that.
15. Not if you had noticed them. But in sorting a large number do you say it would not be possible to miss seeing the flaps out of circular matter?—I could not miss, I think.
16. Even though they had come up from below stamped in that way. Can you say what condition that one was in when it came upstairs?—That one was out, by the looks of it—by the appearance the flap was out.
17. What do you say about that [another specimen]?—That was in.
18. Does that indicate that the mail-room staff of sorters had passed it below?—Yes.
19. And are they better or worse at sorting than you people upstairs?—That is a hard question for me to answer. I have never worked in the mail-room, so could not say.
20. Was anything unusual done with the letters on the morning I have spoken about?—Not to my knowledge.
21. As far as you know was anything taken out of any envelope?—Nothing at all.
22. *Mr. Ostler.*] Is it not a fact that the mail-room officers are generally senior officers—men longer in the service?—No; that is not so.
23. At any rate, I suppose they would not put men on in the mail-room unless they have had some little experience sorting letters as letter-carriers, or so on?—Yes; they start them off as cadets in the mail-room.
24. Do they ever start them off in the letter-carriers' branch unless they have had some little experience?—Not in sorting.
25. Do the cadets in the mail-room do the sorting?—Not until they have had a certain amount of experience.
26. You said that on the 1st of the month you were busy: this was the 3rd of the month?—We call it the first of the month until about the 10th.
27. In the early days of the month more letters go through than towards the end?—Yes.
28. Can you remember whether it was specially busy on the morning of the 3rd July?—Yes.
29. It was?—Yes.
30. More busy than it would have been, say, on the 3rd June?—No; just an ordinary 1st of the month busy time.
31. And I understand you were able to have everything cleared up before the southern mail came in?—Yes.
32. Would you have any time to spare after clearing up and before the southern mail coming in?—On that particular morning? That I could not answer.
33. Could you answer it by reference to any time-book?—After, say, the 10th we have about ten minutes.
34. There cannot be a great lot of difference between the time taken to sort in the early days of the month and the later days?—There is this difference: after the 10th one of the two is allowed to come on duty at 6, the other at 5.
35. In both cases—whether before or after the 10th—you are nearly always able to stop before the southern mail comes in?—It must be a very special day if we cannot.
36. Do you think it likely that these letters would have gone through all the sortings that take place in the Post-office and it still not be detected that there were some empty envelopes?—I do not quite get that question.
37. There is a sorting in the mail-room, a sorting in your department, and also a letter-carriers' sorting—three sortings. Do you think it likely these letters would have gone through those three sortings without it being detected that some were empty?—I think so.

38. On what grounds?—The envelopes being so thick.

39. And the contents were thick too, were they not?—Yes.

40. Is there not a considerable difference between one of those envelopes empty and one filled with a double sheet? Those were the contents—pretty thick. Is there not a considerable difference between one filled entirely and an empty envelope such as you have in front of you?—Not a great deal of difference. When sorting you would never notice the difference—if you were sorting them pretty fast.

41. Do you know of instances where so many letters have been passed under similar circumstances in the Post-office?—Empty? No.

42. *Mr. Gray.*] Do you think it remarkable that out of 2,500 circulars like this nine or ten should have been so passed by the sorters empty?—I should not think it remarkable at all.

WILLIAM MCCULLOUGH, Senior Letter-sorter, Auckland, examined.

1. *Mr. Gray.*] What is your name?—William McCullough.

2. What is your position?—Senior sorter in the letter-carriers' department in the Auckland Post-office.

3. How long have you been a sorter?—Sixteen years.

4. You were not on duty on the mornings of the 3rd and 5th July, were you?—Not until 7 a.m.

5. When you went on duty at 7 o'clock was all the mail-matter then clear?—Yes.

6. All clear in anticipation of the southern mail?—Yes.

7. It is perhaps hardly necessary to ask you now, but in view of your experience as a sorter, is it reasonable or unreasonable to pass an occasional empty envelope out of a very large number of envelopes supposed to contain circular matter?—Quite reasonable a few would pass.

8. Have the sorters, in point of fact, time to examine every letter in detail to see if it is empty or full?—We do not.

9. Have you seen that envelope before—that envelope addressed to Mr. Hannan? Woods, the letter-carrier, it was who took back this envelope for some instructions: do you remember the occasion?—I do not.

10. *Mr. Ostler.*] Woods, you say, did not bring that letter to you for instructions?—I do not remember.

11. You would have remembered it, I suppose, if he had?—Yes.

FREDERICK JAMES ABERCROMBIE, Clerk in Charge of Letter-carriers, Auckland, examined.

1. *Mr. Gray.*] What is your name?—Frederick James Abercrombie.

2. What are you?—Clerk in Charge of Letter-carriers.

3. Were you on duty on the morning of the 3rd July? Do you remember what time you went on duty? There is the time-book?—At 7.10.

4. By that time was all the mail-matter cleared in anticipation?—Yes; everything that had come in up to the time of the Trunk mail, which arrived a minute or two after.

5. Would the letter-carriers' sorters be careful to have all the matter cleared, knowing that an English mail was coming in?—Yes.

6. There was a big English mail, was there not?—Yes, two hundred bags, soldiers' and English.

7. And that would reach the Post-office before 7 o'clock?—Yes, about 7.

8. Would you say the carriers' sorters would be busy that morning?—They would.

9. Would there be any time to interfere with the contents of letters even if they had so desired?—I do not think so.

10. One carrier has told us that on his round there would be about three hundred letters on an average for one delivery?—Can I have his name?

Mr. Ostler. It was Webb.

Witness. Yes; he would have fully that.

11. *Mr. Gray.*] Do some have more than that?—That is about the average for most of them, I think. That particular morning they would have more.

12. On account of the English mail coming in?—Yes.

13. With a large number of letters like that, would it be an unreasonable thing for a carrier to miss noticing that a circular such as this had nothing in the envelope?—It all depends. An odd one or two might easily pass on a busy morning such as that.

14. How many walks are there?—Seventy-three walks.

15. We have been told that for the early morning sortings of the 3rd and 5th July there were about 2,500 circulars posted in addition to ordinary mail-matter. Would it be an unreasonable thing if nine or ten of those circulars were passed by letter-carriers in seventy-three walks?—I do not think so.

Mr. Ostler. They were not all posted together.

Mr. Gray. No; on the two mornings.

Witness. As far as I understand, no carrier has delivered more than one without contents.

16. *Mr. Gray.*] But even if nine or ten cases occurred, would that be an unreasonable thing, having regard to all the circumstances?—I do not think so, having regard to the stiff paper of the envelopes. On an ordinary morning a carrier might detect it: one or two did: Gribble detected it.

17. On a busy morning they might be excused for not detecting it?—Yes.

18. *Mr. Ostler.*] Are the letter-carriers supposed to know the contents of circulars contained in envelopes?—No.

19. Can you tell me how a letter-carrier was able to tell a lady named Mrs. Stuart that her empty envelope had contained a notice of an Orange Lodge meeting?—No, I cannot.

20. Can you tell me how another letter-carrier was able to tell Mrs. Stainton and her two daughters that an envelope had contained a notice of an Orange Lodge meeting?—No.

21. Is that explainable on any other ground than that he had looked in?—The carrier denies that he made such a statement.

Mr. Ostler: We have three witnesses, and you have one.

Mr. Gray: I am going to call him yet.

22. *Mr. Ostler:* The only way he could have known was by looking inside?—Some other carrier might have known the business they were on and have told him.

23. Then either he or some other carrier must have been having a look. If he said that, that would be the only way?—I cannot say how he knew.

24. *Mr. Gray:* Mr. Ostler suggests the only way was by looking inside, or by another carrier having a look inside: might not another carrier have been told that by an addressee?—Some carrier might have been interested in the movement. I do not know that.

WILLIAM CHARLES ELLIOTT, Letter-carrier, Auckland, examined.

1. *Mr. Gray:* What is your name?—William Charles Elliott.

2. A letter-carrier in the Auckland Post-office?—Yes.

3. Do you remember delivering a letter to Mrs. Stainton at 16 Norman Street on the 3rd July?—Yes.

4. Did you notice anything special about the envelope when you delivered it to her?—No, I did not.

5. Did you have a conversation with Mrs. Stainton in the afternoon about the letter?—She just remarked that I had left an empty envelope with her letters in the morning.

6. Anything else?—Until then I did not know it was empty.

7. Did she produce the envelope to you?—She held the envelope up to me.

8. Did you tell her what was in it?—I did not know what was in it.

9. Give us the whole conversation?—She asked me if I had any idea what was in the envelope, and she described the envelope as marked "Box 912"; and I said I had a number of them on the round to deliver this morning.

10. What did you mean by "a number of them"?—A number of those envelopes with that stamp "Box 912" on.

11. Did you tell her what the contents referred to?—Well, I did. I said it was something to do with an Orange Lodge.

12. How did you know it had to do with an Orange Lodge?—Because one of the carriers had one addressed to him.

13. And he had shown it to you?—Yes.

14. You inferred that the letter to Mrs. Stainton was of the same character?—Yes.

15. Had you looked inside any envelope?—Not at all.

16. When you said you had a number of that sort, you meant with "Box 912" on them?—Yes.

17. Did you mean you had a number empty?—Certainly not.

18. Have you had any conversation with Mrs. Stainton since that day?—No, not at all.

19. *Mr. Ostler:* If Mrs. Stainton says you told her you had a number on the round which were empty, would you deny that?—Yes.

20. Would you still deny it if her daughter swore the same thing?—I deny it.

21. Would you still deny it if Mrs. Lockie, another daughter, also swore the same thing?—Yes; I deny it.

22. What was the name of this letter-carrier who had this letter addressed to him?—Mr. Rusden.

23. Can you tell me his initials?—No; I do not know his initials.

His Worship: The Post Office could supply those, I suppose.

24. *Mr. Ostler:* Is it H. Rusden?—I think it is.

25. Where was it you saw him?—He opened it down in the office before we went out in the morning.

26. In your presence only?—No; there were other carriers there.

27. Was there any conversation about it between you?—No, nothing at all.

28. How did you know what was in his letter?—Because he showed it to us.

29. Did he say anything when he showed it to you?—Nothing particular.

30. He must have said something. Is he deaf and dumb?—I do not know that he is deaf and dumb. We did not have a lot of conversation—we were busy that morning.

31. But surely he said something?—He had sent for it to go himself, I suppose.

32. Did he say anything about sending for it to go himself?—It was for him—it was addressed.

33. What did he say about it?—He did not say anything about it. We have no time for conversation in the morning.

34. What part did you look at when he showed it to you?—Simply saw it. He had it in his hand; he opened it there.

35. The envelope only?—No, the contents.

36. What were the contents?—I cannot tell just now. I did not take much notice.

37. What did you see on the contents?—I do not remember.

38. How did you tell it was an invitation to an Orange meeting?—That was what I gathered.

39. Was there a ticket in the envelope?—I do not know; that was what he sent for, I believe.

40. The envelope that was delivered to Mrs. Stainton was delivered on the 3rd July. That was merely a request to her and other people at the same time to send for tickets. The tickets were not sent until after that. So that will not do, you see. Was it tickets that Mr. Rusden had sent for that he showed you?—Yes.

41. He could not have had tickets sent to him until some days after that?—That was what I saw. That was how I knew.

42. On the same day you delivered that envelope to Mrs. Stainton did she not complain to you about it?—Yes.

43. On the same day?—Yes.

44. Was it not on the 3rd July?—I do not know.

45. If she swore that it was, would you deny that?—I do not know what day it was.

46. Would you deny it was the 3rd July?—I do not know what day it was.

47. I am sorry to be persistent, but I want to find out exactly what you were shown by Rusden?—His tickets.

48. His tickets for admission to the meeting?—Yes.

49. How many?—I think there were two.

50. Now, if I can prove that no tickets were sent out until a day or two after the 3rd July, what then? Have you not made a mistake?—I have not made a mistake. That is all I know.

Mr. Ostler: There was not a single ticket sent out, I am informed, until the 5th July.

Mr. Gray: Except these so-called invitation cards.

Mr. Ostler: They are invitations to people to apply for tickets.

51. *Mr. Ostler:* What shape were the tickets you saw?—Square, I think.

52. Quite sure?—I did not take much notice of them.

53. How did you know they were tickets?—Because he told me.

54. I thought you said he did not speak?—I did not say he did not speak.

55. We are beginning to learn what he told you. Let us hear what he told you. What did he tell you?—They were tickets for the meeting.

56. Do you remember whether they were anything like that [bell-shaped ticket held up for inspection]?—Yes; they were like that.

57. Quite sure?—Yes.

58. *Mr. Gray:* Was there anything to direct your attention specially to the shape of the ticket, or what was on it, beyond what Rusden said?—No.

59. You gathered the information, from what he told you or showed you, that this had something to do with an Orange meeting?—That is so.

60. Did you see the words "Orange Lodge" or "Orange meeting" printed on the tickets?—No; I did not go near enough.

61. Did you see anything like that [circular held up for inspection]?—No, I did not.

62. You believe it was a bell-shaped ticket, and two in number?—Yes.

63. Have you any particular reason for remembering those circumstances?—I should not have remembered had not Mrs. Stainton asked me and I told her.

64. Quite so; and what you told her was derived from what was told or shown to you?—Yes.

LANCELOT AMBROSE BENJAMIN, Letter-carrier, Auckland, examined.

1. *Mr. Gray:* What is your name?—Lancelot Ambrose Benjamin.

2. Letter-carrier in the Auckland Post-office?—Yes.

3. Do you remember delivering a letter to Mr. Henry Symons, Hillside Crescent?—I have no recollection whatever.

4. And you have no recollection?—No.

5. He says you delivered to him this envelope: have you any recollection of it?—None whatever.

6. And that he kept it the better part of a week and then sent it back to the Post-office. You have no recollection, and your attention was not drawn to its condition?—No.

7. In what state was that envelope when it was stamped—with flap in or out?—I have no recollection whatever of having it, so I cannot tell.

8. Can you tell by looking at it?—I cannot tell. I am not an expert at that.

9. Do you sometimes receive from the letter-carriers' sorters envelopes which are not closed?—Some time or other I might have.

10. Do you ever have envelopes minus the contents?—I have no recollection of receiving any.

11. Do you examine them to see whether the contents are in or out?—I am generally busy; I have no time to examine that.

12. You deliver them as you get them?—Yes.

Mr. Ostler: No questions.

JOHN GREGORY BAILEY, Letter-carrier, Auckland, examined.

1. *Mr. Gray:* You are a letter-carrier in the Auckland Post-office?—Yes.

2. Do you recollect delivering a letter to Mr. Thomas Smith, Mount Eden, about the 3rd July?—No; I have no recollection at all.

3. Is Mr. Thomas Smith, Mount Eden, on your round?—Yes.

4. And you have no recollection?—No.

5. And therefore your attention was not drawn to any particular letter on the 3rd July?—No.

6. Is it your experience that letters bearing penny stamps are sometimes given to you for delivery with nothing inside them?—No; I have never had any before.

7. Do you examine the letters to see whether they are filled or not?—No; we get too many.

8. Then you trust your letter-carriers' sorters to look after that side of it?—Yes.

9. You deliver the letters as you get them from the sorters?—Yes.

DONALD TURNER, Letter-carrier, Auckland, examined.

1. *Mr. Gray.*] What is your name?—Donald Turner.
2. What are you?—Letter-carrier in the Auckland Post-office.
3. Is the Rev. Mr. Garland on your round?—Yes.
4. What is his address?—Remuera Road.
5. Do you recollect delivering a letter at his house a few days before the 11th July?—I do not know the exact date—before the meeting.
6. Do you recollect delivering a letter at his house a day or two before that?—Yes.
7. Do you remember on what date you delivered it?—No; I cannot say exactly.
8. Was your attention drawn to any letter bearing the mark “Box 912” for Mr. Garland?—No. I remember the letter for him.
9. Where did you deliver it?—In his letter-box.
10. Where is that?—At the entrance.
11. How far from the house?—About thirty paces.
12. You remember delivering that letter from box 912, in his letter-box?—Yes.
13. At what time of the day did you deliver it?—About 2.20 p.m.
14. 2.20 in the afternoon could not be called the morning. Are you quite sure it was the afternoon?—Yes.
15. And you do not remember the day of the week?—No.
16. If Mr. Garland says he received this letter—and, therefore, that you delivered it—on Tuesday morning, would that be correct?—It was the afternoon I delivered it.
17. You are quite sure?—Yes.
18. *Mr. Ostler.*] When were you first asked to recollect about this letter?—About a couple of weeks ago.
19. That is to say, about the beginning of August?—Yes.
20. That is to say, you were not asked to recollect until a month after you delivered it?—Yes.
21. Is this the only letter the Rev. Garland has had in a month?—No.
22. I expect he has a good many, does he not?—Yes.
23. How could you remember it?—These letters were sorted up just before I went out—three or four, if I remember right.
24. Did you know anything about them?—No; I did not know what was in them.
25. Did you know they had been censored letters?—No; they were just given to me and I took them out.
26. Was there anything remarkable about the letter to draw your attention to it?—It just had “If unclaimed return to box 912.”
27. Did you remember that?—Yes.
28. But surely that is on a great many letters you deliver?—Not on a private envelope like that.
29. About how many letters would you say you had delivered since then to the Rev. Mr. Garland?—A couple of hundred—fully that.
30. Probably more?—Yes; very likely more.
31. Yet you say that on being called upon a month later to recollect it you could remember the date upon which you handled one particular letter?—Yes.
- Mr. Ostler.* It is a good thing to be blessed with such a fine memory as that.
32. *Mr. Gray.*] You have delivered quite a number of letters since then to him?—Yes.
33. Have you delivered any letters bearing that superscription “If unclaimed return to box 912”?—Not that I remember.
34. Is that the only letter?—Yes, to my knowledge.
35. Do you feel sure that your attention was drawn at the time to that notice “Box 912,” and that is why you remember?—Yes. It was just before I went out to catch the car.

FREDERICK JOHN ROSEMAN, Letter-carrier, Auckland, examined.

1. *Mr. Gray.*] What is your name?—Frederick John Roseman.
2. Letter-carrier in the Auckland Post-office?—Yes.
3. Is Mrs. Wiseman, 3 Finch Street, Morningside, on your round?—Yes.
4. Do you recollect having any letter for delivery to Mrs. Wiseman on the 3rd or the 5th July?—No recollection at all.
5. Do you recollect whether you had any letter for delivery to anybody bearing this stamp upon it, “Return to box 912”?—Yes.
6. You remember seeing that direction before?—Yes.
7. And you had some letters like these for delivery to persons on your round?—Yes.
8. Have you any recollection of having any such letter as that for delivery to Mrs. Wiseman?—No recollection.
9. If you had any such letter are you likely to have opened it or tampered with it in any way, or taken the contents out of it?—No.

ROBERT WHITE ROAN, Letter-carrier, Auckland, examined.

1. *Mr. Gray.*] What is your name?—Robert White Roan.
2. Letter-carrier in the Auckland Post-office?—Yes.
3. Do you remember delivering a letter to Mrs. Stuart at Point Street, Mount Eden, in the early part of July?—I have no recollection of delivering that letter.
4. Was it part of your duty to deliver letters to her about the 3rd or 5th July?—Yes.

5. Do you remember receiving any letters for delivery to persons on your round, something like these, with the notice on them to return to box 912?—Yes; quite a number.

6. Do you recollect having any such letter for Mrs. Stuart?—No.

7. She has told us she received an empty letter with the flap inside, and that when the letter-carrier came she spoke to him about it, and that the letter-carrier said nothing was taken out and nothing put in—it was something to do with the Orangemen—and he had a number like that. Had you any conversation with Mrs. Stuart?—Yes.

8. Was it in the morning?—Yes; the morning after the delivery, I think—or two days after.

9. The date of delivery—you mean the previous call at her house?—No; I think she said I delivered the letter in the morning, and the conversation took place the following morning.

10. What did she say?—She said, “Postman, you delivered a letter here with no contents”; and showed me an envelope with a notice like that. I looked at it. I said, “I never took it; I never interfered with it.” But in a case of circulars it is quite possible for a letter to be posted without contents, and I gave an example—one party addressing, one party posting the envelope, and no letter inside.

11. You told her you had quite a number like that: what were you referring to when you said, “like that”? Did you mean a number of empty envelopes?—No; letters with the “special request” on the top.

12. Quite so—letters with the special request to return to box 912. And you explained how it was possible for the contents never to have been put in at all?—Yes.

13. Did you tell her what the circular referred to?—I have no recollection of doing so.

14. Did you know what the circular referred to?—I did.

15. How did you know?—I heard a letter-carrier say, “I have got one of those envelopes, Box 912.”

16. When was this?—This was in the afternoon after the delivery. He said something about the Orange Lodge, and that was all I knew.

17. What is that carrier’s name?—Rusden.

18. If you had any information other than that about the contents of the circular, was it derived from your looking inside the letters?—No.

19. *Mr. Ostler.*] Were you in this Court when Letter-carrier Elliott gave his evidence?—The first part of it.

20. Were you in when I cross-examined him?—You were just at it. I did not hear the whole lot. I left the building to stop Mr. Rusden.

21. Is Mr. Rusden in the room?—No.

Mr. Ostler. I would ask that he be kept out while I cross-examine this man. [Arranged.]

22. *Mr. Ostler.*] How many deliveries do you have a day to Mrs. Stuart’s place?—Two.

23. I think she told us it was on the 3rd July that the empty envelope was left?—No, the early part of July.

Mr. Gray. The Saturday or the Monday before the meeting.

24. *Mr. Ostler.*] She says that when the postman came round again she asked why she had got a letter with nothing in it, so that it must have been the next delivery after the delivery of the empty envelope?—I myself think I delivered the envelope on the Saturday morning—I am not certain about the date. I think I was asked about it on the Monday morning.

25. When do you say you saw Mr. Rusden and were informed about the contents of this envelope?—It was either in the afternoon or the Monday, as I say. I could not tell you the day. I think it was when I was sitting sorting the letters after the delivery took place—after the morning delivery on Saturday. No; if the delivery was on Saturday it would be Monday.

26. Are you pretty sure it was Saturday you delivered this circular to Mrs. Stuart?—No, I am not.

27. If so, I would point out that it could not have been posted later than Wednesday night?—I said I was not sure when it was.

Mr. Gray. Mrs. Stuart said she received it on the Saturday or Monday before the meeting.

28. *Mr. Ostler.*] She was wrong. What I want to get is where, and how, and when you heard from Rusden about the contents of that envelope?—Rusden was not talking to me personally. I sit here and Mr. Rusden sits there, next to me, sorting letters.

29. Who sits on the other side of you?—19 suburbs and 20. There is Mr. Rusden, myself, Mr. Brambley, and then Elliott.

30. When the letter-carriers are sorting letters and they come across one addressed to themselves, they take it out then and there?—That is quite a common occurrence.

31. Mr. Rusden said—what?—I heard him make a remark that those circulars were something to do with the Orange Lodge. That is all I heard.

32. Is that all he said?—That is all I heard.

33. Did you not say when giving your evidence to Mr. Gray that Rusden told you he had got tickets?—Not told me: I never mentioned tickets.

34. How did the conversation come up?—There was no conversation between him and me. I do not know whom he was making the remark to.

35. Did he make it loudly so that every letter-carrier could hear?—No, just in the ordinary way of talking.

36. Were you sorting at the time letters similar to these?—I could not say what I was sorting at the time.

37. Can you say when this was?—No, I cannot; but I think it was in the afternoon, as it were, or the next delivery after the delivery of those letters.

38. Then it was not before you had delivered that letter that Mr. Rusden spoke?—No.

39. Did you not say in answer to Mr. Gray that Rusden said he had got a letter?—No; I said that I heard one of the letter-carriers making a remark that he had got a letter.
40. And when you were asked you said Rusden?—Yes.
41. You heard Rusden remark he had got a letter?—Yes.
42. Did he show you the letter?—No.
43. Did he open any letter in the presence of the letter-carriers?—Not in my presence.
44. Did you see any ticket like that?—No.
45. You just heard him remark he had got a letter; and what else?—Those circulars had something to do with the Orange Lodge; those circulars were Orange Lodge circulars.
46. You did not see him open any letter at all?—No.
47. Was Elliott there all the time?—I did not notice.
48. You said he was sitting next?—I could not say.
- Mr. Gray:* He was speaking of his usual position.
49. *Mr. Ostler.*] Do you mean to say you do not know whether Elliott was there or not?—You have to turn round and look.
50. You have a spell occasionally, I suppose?—Yes.
51. Well, in one of those spells did you not have time to look and see?—You come down on an English mail and see if there is time.
52. You apparently have time to have a talk sometimes?—Sometimes.
53. For instance, Mr. Rusden was able to make some few remarks?—Understand me: a man can make a remark and work just as fast.
54. Am I to understand that you did not see whether Mr. Elliott was there or not, although he sits next to you?—No.
55. All the time you were in the room you did not see?—We pass, perhaps, a hundred times a day.
56. *Mr. Gray.*] Do you mean that was the position usually occupied by Elliott?—Yes.
57. And that was the seat usually occupied?—Yes.

PETER ELLIS, Letter-carrier, Auckland, examined.

1. *Mr. Gray.*] What is your name?—Peter Ellis.
2. You are a letter-carrier in the Auckland Post-office?—Yes.
3. What round are you on?—On Richmond—33 suburbs.
4. Is the Rev. Reuben Bailey's house, Richmond, on your round?—It was.
5. In the first week in July?—Yes; has been for some time.
6. Do you recollect in that week having any letters to deliver with the notice to return to box 912?—I recollect the letters, but I do not recollect Mr. Bailey's particular one.
7. Here is a letter addressed to Mr. Bailey, which he has produced in Court, and says was delivered to him: have you any recollection of that particular letter?—No. I recollect having quite a few with that particular mark: I do not remember that particular one. I deliver quite a lot of letters to Mr. Bailey.
8. Do you know when you received for delivery the letters bearing that particular mark?—I could not say the date.
9. Do you recollect when you delivered this letter to Mr. Bailey?—No.
10. How many deliveries do you make in Richmond daily?—Two. I leave the office at 8 and 2. I would get to Mr. Bailey's about half past 9, and 3 o'clock in the afternoon.
11. Not before half past 9?—Perhaps before; it would depend on the mail.
12. If a letter were handed to you in the Post-office before 2 o'clock for delivery, when would you take it out?—It would be delivered that afternoon.
13. If Mr. Bailey received this letter on the morning of Tuesday, when would you say it was handed to you for delivery?—On Tuesday morning.
14. You have no recollection of this particular letter?—No.
15. This letter bears the postmark "Auckland, 7th July, 5 a.m." In ordinary course I suppose that would go out in the first delivery?—Yes.
16. If it was held up for any purpose and released for delivery before 1 o'clock, it would go out in the afternoon delivery of the same day?—Yes.
17. Do you know anything about letters being held by the Censor in Auckland?—No.
- Mr. Gray:* It has not come within your purview.

NICHOLAS BERTRAM HAROLD RUSDEN, Letter-carrier, Auckland, examined.

1. *Mr. Gray.*] What is your name?—Nicholas Bertram Harold Rusden.
2. A letter-carrier in the Auckland Post-office?—Yes.
3. Did you receive an invitation or anything in the nature of an invitation from box 912?—Yes.
4. On what day did you receive it?—I could not say; I am not certain of the date.
5. How did you get it?—It was handed to me by the carrier on our walk.
6. You got it through the post?—Yes.
7. In an envelope addressed to you?—Yes.
8. Have you seen any more like it?—Yes.
9. Bearing the words "Box 912"?—Yes.
10. What did the envelope addressed to you contain?—It contained a notice of the meeting.
11. Anything else?—If I wished to attend, to apply for tickets.
12. Would you mind looking at this circular: was it anything like that?—Yes.
13. Was there anything enclosed with it?—A card, I believe.

14. Look at that [square card held up for inspection]?—That is correct.
15. You say that what you received was a circular like this with a card like this?—Yes.
16. In point of fact, did you apply for tickets?—Yes.
17. And get them?—Yes.
18. Did you tell any of the letter-carriers you had received an invitation of any kind?—Yes.
19. Whom did you tell?—The carriers who sit near me.
20. What names?—In particular Roan, Elliott, and Benjamin.
21. Would they all be able to hear what you said on the subject?—I think so.
22. What did you tell them?—I did not tell them anything particular. I just mentioned I had received an invitation.
23. Received what?—An invitation.
24. What were you referring to?—The letter I had received.
25. When did you tell this?—Immediately I got it.
26. Do you recollect what day that was?—No; it was in the morning.
27. Directly after you received the letter through the post?—Yes.
28. Had you at that time applied for tickets?—No.
29. You say you did get tickets?—Yes.
30. Were they like this one [bell-shaped]?—Yes.
31. Did you show tickets—either one or two like this—to Elliott or the others?—I think I did. I opened them in the office when they were about me.
32. But you had already told them of the circular?—That is so.
33. When you told them you had received the circular, did you say what it related to?—Yes; I said it was an Orange meeting coming off.
34. *Mr. Ostler.* Have you had any conversation with Elliott about this—I mean to-day?—Not to-day.
35. Or with Roan?—No.
36. Quite sure?—Just talking in a general way of the case.
37. With Roan to-day about the case?—Yes.
38. Was the matter of your having got this circular mentioned between you and Roan this morning or to-day?—Not particularly; I mentioned I had received one.
39. How did the conversation come up this morning—was it while you were waiting to give your evidence here?—No; in the office.
40. Did you know at that time you were going to be called as a witness?—No.
41. Did you know that Roan was?—I do not know.
42. Did he tell you?—No.
43. What are the hours of a letter-carrier when he has finished his morning delivery?—He goes to dinner and comes straight back at 1 o'clock.
44. Was Roan waiting when he spoke to you to-day?—He was working. He sits next to me.
45. Tell us what was the conversation between you and Roan?—I might state there was no conversation; we were just talking.
46. What was said, then, when you were talking?—Nothing particular said. We were just talking about the meeting. I mentioned I had received one of the envelopes.
47. Are you referring to to-day's conversation?—Yes.
48. What did he say to that?—He did not say anything.
49. What was the need of mentioning that when you mentioned it at the time you received it?—I think I said to him, "You remember me getting one?" and that I had it at home.
50. You said, "I think you remember my getting one"?—Something like that.
51. And that you had the envelope at home?—Yes.
52. Have you the envelope at home—still in existence?—Yes.
53. What did Roan say?—I do not think he said anything.
54. Is that all the conversation?—That is all.
55. Rather scrappy, was it not?—Probably it was.
56. Can you tell us the date on which you got your letter?—No; I do not remember the date.
57. Where was it handed to you?—At the Post-office.
58. What were you doing at the time?—My ordinary work.
59. What was your ordinary work?—Sorting up letters for my run.
60. Were you standing up or sitting down?—I have not the slightest idea; I could not remember. In all probability I would be sitting down.
61. Who was sitting next you?—Mr. Roan.
62. Who was sitting next on the other side?—Benjamin, round the corner; nobody on the other side.
63. Can you tell me who was sitting next Mr. Roan?—Mr. Brambley.
64. Who was sitting next to him?—Mr. Elliott.
65. Has that not been mentioned between you and Roan in your conversation to-day—as to where you were sitting?—That is where we are always sitting.
66. That is not an answer to my question?—I did not mention it at all.
67. Or Roan mention it to you?—No.
68. Did you find the letter yourself in your room?—No; it was handed to me by the carrier that delivers to my place.
69. What was the name of that carrier?—I forget whether it was Ward or Webb.
70. What did you do when you got the letter?—I opened it.
71. Then what did you do?—I mentioned it was an invitation to this Orange Lodge meeting, and they came around and were having a look at it.

72. Roan too?—He is sitting next to me.

73. Did he have a look at it?—I do not know that he had a look at it. The others were standing round; I could not be sure whether he saw it or not.

74. The letter was handed to you while Roan was sitting next, and opened by you while he was sitting next to you?—I would not be sure he looked at it; he may have seen it.

75. Can you tell us the words you said?—I could not tell the exact words.

76. Tell us the effect of them?—I mentioned I had received an invitation to an Orange Lodge meeting.

77. Can you tell me how Mr. Roan could know from that statement that that letter, say, contained an invitation to an Orange Lodge meeting? Have a look. How could Mr. Roan possibly tell from your opening a letter and saying you had an invitation from an Orange Lodge that that letter contained an invitation?—I could not say, unless he knew the inscription on the top.

Mr. Gray: The reference to box 912.

78. *Mr. Ostler.*] You do not know who rents the box, do you? You could not tell?—No; I cannot explain.

79. *Mr. Gray.*] Did Roan have an opportunity of seeing the envelope?—He was sitting next, and if he cared to look he could have seen this stamped thing, "Return to box 912."

JOHN BLEAKLEY, Assistant Officer in Charge of Letter-carriers, Auckland, examined.

1. *Mr. Gray.*] What is your name?—John Bleakley.

2. What are you?—Assistant Officer in Charge of Letter-carriers in the Auckland Post-office.

3. Do you know that in the first week in July some letters for box 912, or coming from box 912, were submitted to the Censor?—Yes.

4. Is it part of your duty to see that letters that come in, intended to be censored, go to the Censor?—No; it is really the duty of the Officer in Charge, Mr. Abercrombie.

5. What is your duty with them?—In his absence I receive them, and hand them to him when he comes in.

6. Did you receive any letters to be submitted to the Censor from that box 912 in the first week in July?—No; I saw a number on Mr. Abercrombie's table.

7. Do you know that the Censor released some letters?—Yes.

8. What were they?—Letters similar to those produced.

9. Bearing the superscription "Return to box 912"?—Yes.

10. When were they released?—About 11 a.m. on the Monday.

11. That is to say, they came back from the Censor about 11 a.m. on Monday, the 9th July?—Yes.

12. When letters are released in that way—received from the Censor—what is done with them?—They are sorted up to the letter-carriers again. In this particular case special notice was taken of it, and Mr. Abercrombie, Officer in Charge, distributed them to the letter-carriers.

13. If these letters were released by 11 o'clock would they be in time for the 2 o'clock delivery?—Yes.

14. Can you say whether or not letters received from the Censor that day were given out to the letter-carriers in time for the afternoon delivery?—I can say none were left behind by the letter-carriers on the afternoon delivery.

15. After when?—After 2 o'clock.

16. Does that mean they had all gone out?—That means all the suburban men had gone out.

17. What about the city men?—They go out at 3 or half past.

18. What have you to say about them?—Nothing. My hours of duty are from 7 to 3. I made no check.

19. Who would know about the afternoon delivery in the city?—I do not know that anybody would, unless Mr. Abercrombie.

20. You had not charge, then, of all the correspondence?—No.

21. You were dealing with the letter-carriers who went out delivering during your hours?—Yes.

22. "Mr. Bailey, Richmond Road, Grey Lynn," would be a suburban delivery. Are you able to say whether that letter was left in the letter-carriers' rack after 2 o'clock on Monday, the 9th July?—I am able to say it was not.

23. This bears the postmark "Auckland, 7th July, 5 a.m."?—I am speaking about Monday.

24. If this was included in the correspondence released by the Censor at 11 a.m. on the Monday, it was not left behind by the letter-carriers?—I would say it was not in the letter-carriers' room at 2 o'clock.

25. Where else could it be?—I have no idea.

26. In ordinary course should it be in the letter-carrier's bag at 2 o'clock?—Yes.

27. And should have been delivered by him that afternoon?—Yes.

28. Do you ever find instances of letter-carriers holding letters over and taking them out for delivery next day?—Rarely.

29. *Mr. Ostler.*] You do not know whether it was released by the Censor or not?—No.

JOHN PETER PORTEOUS CLOUSTON, Censor, Auckland, examined.

1. *Mr. Gray.*] What is your name?—John Peter Porteous Clouston.

2. What official position do you at present hold?—I am Acting Senior Clerk in the Chief Post-office, Auckland.

3. That is your official position?—As far as the Post-office is concerned.

4. Are you also acting at Auckland as the Postal Censor?—Yes; that is so.
5. How long have you been acting as Censor at Auckland?—Since about—I do not know the exact date—but about the 14th December last.
6. Had you acted in that capacity anywhere else before that?—I acted from February, 1915, until the 29th September, 1916, at Christchurch.
7. You are an officer of the Post-office as well as Censor?—Yes.
8. And I understand the whole of your time is not taken up by the duties of Censor?—No.
9. In respect of the censorship, under whom do you act?—I receive my instructions from, and account direct to, the Deputy Chief Postal Censor, Wellington.
10. Do you account in any way to the Chief Postmaster at Auckland?—Absolutely No.
11. Or to any other Postal authority?—No; none whatever.
12. Do you receive, or have you received, any instructions from the Post Office as to your office as Censor, or your duties as Censor?—No.
13. Are you accountable to anybody except the Deputy Chief Postal Censor in Wellington?—No.
14. You know an instruction was received some time ago that literature emanating from box 912, Auckland, should be submitted to you as Censor?—The Chief Postmaster gets the instruction.
15. And, no doubt, communicates it to his officers. When did you first know that anything relating to box 912 was to be submitted to you?—In December, 1916.
16. From whom did you learn the fact?—From Wellington.
17. From your chief?—Yes.
18. Not from the Post Office?—No.
19. Without inquiring into your methods or practice, which I am not permitted to do, may I ask whether there are other persons besides the holder of box 912, Auckland, whose correspondence is submitted to you for censorship?—Necessarily so.
20. Did you have any postal matter relating to box 912 submitted to you as Censor in the first week of July in this year—between Monday, the 2nd, and Monday, the 9th July?—I do not know whether I am permitted to say whether I had or not.
- His Worship:* I am somewhat doubtful about that myself. If he answers that question, that is his responsibility. I am not going to allow any interference with his duties as Censor.
21. *Mr. Gray:* May I ask this: are you prepared to say whether you received any letters bearing the superscription of box 912 on the Friday or Saturday of that week?—On Saturday morning I did.
22. You received some, bearing the superscription “Box 912”?—That is so.
23. What was it you received?—I received documents in closed envelopes similar to those.
24. How many?—About two hundred on Saturday morning.
25. Did you receive any more?—I received some on the following Monday morning—about two hundred and sixty.
26. That is about four hundred and sixty in all?—Yes.
27. All closed envelopes?—All closed, as far as I know.
28. None of them open?—No.
29. Those which were handed to you on Saturday—were they of the same character as those delivered to you on the Monday, to all external appearance?—Yes.
30. What did you do with these two bundles of two hundred and two hundred and sixty?—I released them when I got instructions from my superior in the censorship in Wellington.
31. At what time?—About 11 a.m. on the 9th.
32. In time for delivery that afternoon, I presume?—Yes.
33. I want to ask you this: the letters which were handed to you on Saturday morning—by the way, what time were they handed to you?—I got them about 9 o'clock, when I came on duty.
34. But for their being handed to you, I presume they could have gone out in the ordinary course of post on that Saturday?—I presume they could.
35. Was the holding of these letters on Saturday and Sunday, and up till 11 o'clock on Monday, the act of the Post Office or the act of you as Censor?—It was the act of the Censor.
36. And you held them until you were instructed from Wellington to let them go?—That is so.
37. I do not want to inquire into your methods; but may I ask you this: Some of these letters which have been produced have got pieces of stamp paper on the backs as if to seal down the covers. Will you tell me whether or not that was your work?—That is not my work.
38. You have been in the Post-office some years, I understand?—About twenty-one years.
39. And I understand you were selected as Censor partly on account of your postal experience?—Yes.
40. To your knowledge, is gummed paper like that used in the Post-office?—I do not know whether it is used or not—not to my knowledge.
41. Have you ever seen it used in the Post-office?—No.
42. *Mr. Ostler:* Have you ever been asked before you were asked just now by Mr. Gray about that stamp paper?—Yes, I have.
43. By whom?—Mr. Williamson.
44. But Mr. Williamson professes to tell us he knew nothing about it because he had not asked you?—
- Mr. Gray:* Pardon me, I do not think so. My learned friend professes to think so; but I do not think Mr. Williamson said anything of the kind.

Mr. Ostler: It is here in black and white.

45. *Mr. Ostler*.] Where do you carry on your duties?—I am not permitted to say.

46. Come now?—Well, in the Post-office.

47. I know all about it?—You cannot know all about it.

48. Have you been carefully tutored about what you are to say before you came here?—I have not.

49. Did the Solicitor-General see you?—I saw him.

50. Did he tell you what questions you were to answer and what not?—No; it was a special point I consulted him about.

51. With regard to this stamp paper: you say you did not put it on?—I did not.

52. Can you say whether it was put on while the letters were in your charge?—It was certainly not put on while the letters were in my charge.

53. In the exercise of your duties did you find it necessary to open one of those letters?—I cannot say.

54. Who told you to say that?—I am not permitted to say how I dealt with it.

55. Who told you to say that?—The Deputy Chief Postal Censor, Wellington.

56. Did he tell you in writing?—I have got it in writing.

57. Will you produce that writing?—No; it is confidential.

58. If that is so, you can say just what you like and say you are not permitted to say?—Yes.

59. Is the Deputy Chief Postal Censor in Wellington a Postal officer or a Military officer?—A Postal officer, I believe.

60. Are you permitted to say his name?—I do not think there is any secret about his name.

61. Out with it then?—Tanner is his name.

62. I am informed that a good many clerks work in the same room as you?—That is so.

63. I suppose it is necessary for you sometimes to go out of the room?—It is.

64. And leave the other clerks there?—Yes.

65. Do you ever in the course of your duties open letters and read the contents?—In the course of my duties—how?

66. As Censor?—Of course, I do.

67. It is self-evident—you could not do much good unless you did. Can you tell me whether you opened any one of these letters addressed to ministers?—I cannot tell you how I dealt with them in any way.

68. Surely there is no harm in telling us how you dealt with any one of the ministers' letters?—I am not permitted to say.

69. Can you tell us whether you know what the contents of those letters were?—I cannot say anything about it.

70. Can you tell us whether you go out of the room ever, and leave letters to be censored on your table?—Yes; I dare say I could tell you that.

71. If you are permitted to say, would you mind telling us: do you?—Yes.

72. Do you work at an open table?—Occasionally; not always.

73. Is there any danger of other clerks getting to see the contents of the letters subject to censorship?—Absolutely no danger.

74. How is that?—They are locked up if I am away, if they are open envelopes.

75. You always lock them up?—Yes.

76. Even if you go out of the room for five minutes?—Yes.

77. There is one question I do sincerely hope you are "permitted to say": I want to know what you have done with the money sent to the Protestant Political Association which has been held up?—Do you mean to insinuate I have misappropriated it?

78. No; I would not dream of even joking about such a thing. We have information that money has been enclosed in letters which have been written. Can you give us no information about it? Can you tell me whether money has been retained?—I cannot give you any information.

79. Can you tell me where the letters are that have been kept back?—No, I cannot tell that.

80. Can you tell me whether any letters have been kept back?—No.

81. It occurs to me it is rather useless going on cross-examining. I think I will sit down. There is one question, though, I would like to ask if he is "permitted to say": did you not refer those circulars to Wellington, or one of those circulars, for instructions? Are you permitted to say that? Did you refer that [specimen held up for inspection] to Wellington?—Yes; the circular and card came into my hands as a private individual.

82. As a private individual—now we will be able to get something from you. As a private individual you will be able to give us the information. As far as that goes, what did you do as a private individual when you got this?—I suppose I handed it to myself as Censor.

83. I suggest you handed it to yourself as a Postal officer, and as a Postal officer handed it to yourself as Censor?—I suppose so.

84. Let us suppose you handed it to yourself as a Postal officer, because as a Postal officer you are permitted to say. What did you do when this circular came into your hands: did you refer it to Wellington?—I referred it to Wellington.

85. Can you tell us why?—No.

86. Cannot you tell us as a private individual?—No; I have no mind about it as a private individual.

87. Have you any mind about it as a Postal officer?—No.

88. Only as a Censor?—That is so.

89. And your duties are so important and so dread and sacred that I am not permitted to inquire, and if I do you are not permitted to say?—That is so.

90. Can you tell me this: of the 460 letters on Saturday and Monday—were they all the correspondence of this box?—Yes; all the envelopes were similar to that.

91. *Mr. Gray.*] Without inquiring why you did it—you referred a circular which came into your possession to Wellington?—Yes.

92. May I ask this: was it in consequence of that reference that the 460 letters were held up for two days?—I could not say what happened in Wellington.

93. Did you lose any time in communicating with Wellington on the matter that you referred to Wellington?—Absolutely no time was lost.

94. You have mentioned that Mr. Williamson asked you whether this stamp paper had been put on by you: was that asked in any specific way or in a casual way?—In a casual way, as far as I remember. He did not point it out in any particular way: he just mentioned about it.

95. You say that in the performance of your duties there is no risk or danger of any of the clerks in the Post-office getting information as to the contents of matter submitted to you?—Yes.

96. Does any clerk work at the same table?—No.

97. When do you generally perform your censorship duties?—Generally after hours. It depends on the nature of the correspondence.

His Worship: Is it necessary to ask, because he stated particularly and definitely that no person can obtain information? I think it better for a Censor to work in a separate room. I only give that as an expression of opinion. No doubt it will be taken notice of. It is contradicted that there is no possibility of other persons having access.

Mr. Gray put in a specimen of gummed paper used in the Post-office for affixing to a letter found open in course of post.

(*Mr. Gray* here closed his case.)

Mr. Ostler desired to call a witness—the evidence only came into his hands that morning—a lady who was complained to by a friend that when her letter reached her it contained stamp paper on the back. She was there to swear she never put any stamp paper on when she posted it.

Mr. Gray objected that the matter was not relevant—something that happened somewhere else and about which they could not possibly make any inquiry at that stage. How could it affect the inquiry?

Mr. Ostler said it was extremely relevant, because it showed that in the Post-office stamp paper gets on the backs of envelopes.

Mr. Gray objected that *His Worship* was empowered to inquire into an allegation that certain letters had been improperly detained and opened, and that it was not relevant to show that some other person on some other occasion, having no reference to this, received or posted a letter with a piece of stamp paper on it.

His Worship decided to take the evidence.

Miss ELSIE BENTLEY examined.

1. *Mr. Ostler.*] Your name is Elsie Bentley?—Yes.

2. You are ledger-keeper at John Burns and Co. (Limited), hardware merchants, Auckland?—Yes.

3. You have a friend at Te Aroha named Madge Watson?—Yes.

4. I understand you wrote to her recently?—Yes.

5. Did you post the letter yourself?—I posted the letter myself at the General Post-office three weeks ago last Sunday night.

6. When you posted it, was it stuck down with stamp paper by you?—No.

7. Did you receive this letter in reply?—

Mr. Gray objected.

Mr. Ostler: Here is a letter from her friend to show the letter was stuck down with stamp paper, and she wants to know whether this lady put it on.

His Worship: The only distance you can go is to ask this lady whether she says it was stuck down.

Mr. Ostler: I can surely ask whether she received this letter [the reply].

Mr. Gray: You are referring to the letter she posted. The reply is inadmissible.

Mr. Ostler: Did not her friend complain in this letter that the letter arrived with stamp paper?

His Worship: I rule at once I am not going to admit that as evidence.

Mr. Ostler: I submit that is evidence, or I do not know what evidence is.

His Worship: It is not admissible as evidence, on the broad elementary rules of evidence.

AUCKLAND, THURSDAY, 23RD AUGUST, 1917.

Mr. Gray: I desire, before commencing my address, to refer to a matter which was mentioned yesterday in the cross-examination of the Censor by my friend *Mr. Ostler*. Some reference was made to the little pieces of gummed stamp paper appearing on the backs of the envelopes, and I think my friend asked the Censor whether he had not been asked a question by *Mr. Williamson*, Chief Postmaster, with reference to those pieces of stamp paper, and that the answer of the Censor was that *Mr. Williamson* had made inquiry of him. Thereupon my learned friend *Mr. Ostler* interjected something to the effect that that answer could not be accurate, as *Mr. William-*

son had been asked about the matter, and had said that he made no inquiry of the Censor. I have had the shorthand notes of Mr. Williamson's evidence looked at, and it does not appear that there is a record of Mr. Williamson having answered a question by giving a reply in the terms quoted by Mr. Ostler. In any case, Mr. Williamson desires the opportunity of saying that if he did ask the Censor any question at all about the matter it was in the most casual way, and not in the prosecution of any inquiries. I am sure my learned friend Mr. Ostler will agree that Mr. Williamson would not do anything which it was not within his right and duty to do, and that he was not attempting to seek any information from the Censor with the view of upholding his other officers.

Mr. Ostler: I would like to say I would be very sorry to accuse Mr. Williamson of any breach of good faith. I believe that in some of his actions he has been mistaken, but I am quite certain nothing was further from his mind than any breach of good faith. I would like to make that clear.

Mr. GRAY'S Closing Address.

Mr. Gray: May it please your Worship, I do not think it is either necessary or expedient that I should occupy much of your Worship's time in attempting to review all the evidence, or to discuss the evidence which has been heard by you so recently, and which you will have the opportunity of considering at greater length from the notes taken by the shorthand-writer. I desire, however, on the part of the Post-office, to draw attention to a few specific matters which I think it is necessary I should emphasize.

I would first remind your Worship that this inquiry has originated from statements made by the Rev. Mr. Elliott on the public platform at the Town Hall in Auckland on the 11th July, and that according to the Press reports, which were read by persons throughout the Dominion, including the Post-office officials, he made general charges of corruption against the Post-office, and stated, without giving any details, that an attempt had been made to stifle his meeting, that letters had been improperly detained, that envelopes had been opened and the contents abstracted and the envelopes delivered empty; and he made in general terms charges of corruption and misconduct on the part of the Post-office and the officers who work in it. He also alluded to the censorship, which he suggested was established in the interests of the Roman Catholic Church. Now, Mr. Elliott was immediately asked by the Post-office officials to give particulars of his complaints, so that due inquiry might be made. It has been made very apparent here that he neglected and finally refused to supply the ordinary particulars which would have enabled the Post-office to make the usual and proper inquiries. In point of fact, he never gave those particulars; and it was not until we came into Court here, after the inquiry had begun, that we were supplied with the names and addresses of the persons who he said had received envelopes empty, or had not received them at all, or whose letters had been detained and delayed. In the interests of the public and of the Post-office the Government decided to have proper inquiry made into the charges, vague and unspecific though they were, with the result that this Commission was set up to make thorough and impartial inquiry. At length, after the setting-up of the Commission, charges were formulated by Mr. Elliott's legal advisers, though, as I said, details and particulars were withheld until after the inquiry had begun. It is hardly necessary to observe that the Department was thus placed at the greatest possible disadvantage in inquiring into the truth of what this gentleman had so recklessly stated in public.

The charges as formulated by my friend Mr. Ostler in his letter to the Prime Minister of the 4th August were three in number. I propose to read them. [Charges read.] Now, sir, pursuant to our pressing inquiries, the particulars given to us and also given in the course of this inquiry have been reduced to this: that of 2,500 envelopes posted, nine persons received theirs empty; that two persons—the number was eventually increased to five. but in respect of those five no evidence was given about two of them—did not receive their envelopes at all; and that some forty clergymen who ought to have received their invitations and intimations on Saturday did not receive them until Monday, or, as to two or three of these forty, they are said not to have received them until Tuesday morning. Now, that seriously is the net result of what this gentleman has said. Compare these figures with the language adopted by him in his public utterances, and with the grossly inflated statements he made not only in public, but in the charges as formulated by his advisers to the Prime Minister! The Press, with the exception of the newspaper published in Auckland—I think it is called the *Free Press*—which contained a full account of Mr. Elliott's address in the Town Hall, and which he says is a fair report—a correct report—speaks of him saying that he has a "mass" of letters, and that "there never has been such an exhibition of the corruption that exists in connection with our Postal service as this meeting has revealed. I want to say that the contents of envelopes that were posted containing invitations to attend this meeting were abstracted. Those envelopes all passed through the hands of men who paid particular attention to them": and so on. Now, as I say, compare the details given in the course of this inquiry with statements of that character, and also compare these details with the language he has adopted throughout, including the statement made by him to one of his witnesses that that witness was one of thousands who did not receive their invitations!

Mr. Ostler: He did not say that.

Mr. Gray: Mr. Woodruffe, I think, is the gentleman's name.

Mr. Ostler: "One of the thousand." He did not say he was one of thousands.

Mr. Gray: "Thousands who did not receive tickets," the expression was. Whatever the expression, it was intended to convey the idea to that gentleman that there had been a suppression of a very large number of post letters. Now, sir, I desire to say here that the question of late delivery to clergymen has been accounted for by the fact that the letters were held up by the

Military Censor and not by the Post-office. The Post-office was not in any sense responsible for the delay which prevented those gentlemen from being able to make the announcement from their pulpits of the forthcoming meeting on the Wednesday night. But these particulars I am referring to ought to have been supplied before, and it should not have been left until the inquiry was in course of progress for Mr. Elliott to deign to let the Postmaster know the charges he had to meet. The result of the delay and of particulars being given at this late stage has been to cause a great tax on the Postal staff and a certain amount of disorganization during this inquiry owing to men being taken off their regular duties to attend to the duties of others; and for that Mr. Elliott must be accountable.

Now, as to the charge of non-receipt by the few persons mentioned, I say there is no satisfactory evidence of posting at all which would be accepted in any Court of law—that any letters have been posted except those that have been produced to your Worship—except those bearing the postmark. No check was kept by Mr. Elliott and his friends of the letters posted. It was said about 2,500 were posted. But it is absurd to suppose that the methods adopted by these gentlemen could in any sense be considered to be perfect, or even reasonably good. Different persons had been employed to address those envelopes, different persons had been employed to fill those envelopes with circulars, and different persons had been employed to stamp and post them. Let me give as an instance of want of oversight and control Mr. Rudd's case. Mr. Rudd, who was called here, proved that he had actually received through the post two letters enclosing circulars, and each envelope was addressed in the same handwriting. If that occurred in Mr. Rudd's case, it is quite likely it occurred in other cases. Mr. Gailey complained that he had not received a letter. Inquiry was made by the Post-office, and it was found there was no letter posted addressed to Mr. Gailey, but that one was posted to Mr. "Garley," and the letter-carrier had, very properly, endorsed the letter that it was not for Mr. Gailey, and that a person named "Garley" had not been found. There is another instance which came to light quite accidentally; and it is quite enough for me to say that if one case is established of an error of that kind your Worship is justified in assuming it occurred in a good many instances. Then again, the Postmaster has given instances on the part of business people posting here in Auckland quantities of circular matter such as this, in which cases there were errors that could only be attributable to lack of oversight such as I suggest existed in this particular case.

Then, again, we have had shown here cases of a limited number of envelopes produced to your Worship in which the flaps never had been turned in, indicating another want of oversight on the part of those responsible for filling, and stamping, and posting. Beyond all question it is established that in the cases to which I allude the flaps had never been turned in, because they bear the mark of the machine as incontestable proof of the condition in which they were posted. Now, if in the few cases alluded to by me it is shown that there was carelessness in posting envelopes in that condition, it is quite a reasonable inference that the same thing may have happened in many cases. A letter-carrier actually detected one before it passed through his hands, and there may have been many others. We have shown the whole process through which this collection of letters went from the time it was collected at the Dominion Road post-office until it went into the hands of the letter-carriers for delivery, and there is no suggestion—no ground for suggesting—that any person through whose hands those letters passed, from the time the chauffeur collected them at the posting-box until they went out by the letter-carriers—I say there is no ground for suggesting that any one of the persons through whose hands they passed had the slightest interest, even if so inclined, in preventing them going out in the state in which they were received. It has been suggested that somebody—some person, sorter or letter-carrier—deliberately detained letters, deliberately opened some of them and abstracted the contents, and then had the foolhardiness to deliver the envelopes empty. Now, we have established, I think, beyond all question that neither the sorters nor the letter-carriers have any time to examine letters; they have no right, of course, under the regulations to know what is inside the letters or to examine them to see what the contents may be; and it is plain from the volume of business that passes through this office that any person occupying one of the positions I have mentioned has no time to gratify any desire, even if he had any, to examine letters. I think one sorter said he examined one envelope; he said that in pursuance of his duties he looked inside one to see if it complied with the regulations, and so as to see that the Department was not being deprived of its proper revenue in the matter of postage.

A good deal has been said about the sorting of letters. Illustrations have been given here of methods of sorting, and evidence as to the process. That evidence and the examples of sorting given here conclusively demonstrate that in sorting rapidly a large number of letters it is quite possible for a sorter, no matter how expert he may be, in the rapid process of doing his work, to overlook the fact of an envelope having nothing in it. We know that some of these envelopes were passed in the process of illustrating to your Worship yesterday by expert men who were prepared to say that the envelopes contained matter, whereas in point of fact they were empty. I do not think any reasonable person would say, after hearing the evidence of the sorters, but that it is reasonable to allow that, in the process of sorting, a considerable number of empty envelopes supposed to contain circular matter might easily escape detection; and in fact those persons best able to speak have assured your Worship that it is quite likely that in sorting 2,500 letters, all of the same character, ten or a dozen—the number alleged here—might easily pass undetected. Practically the only person who was disinclined to admit that was Mr. Linton; but then one must consider Mr. Linton's attitude in the matter. He seemed to think—I am not blaming him in the slightest degree—that some unfair method had been adopted of testing him. As to that test, I would like to say that all kinds of tests are necessarily applied in the Post-office in order to see that officers are efficient in their duties and are carrying them

out properly. In this particular case, some envelopes were put into the Post-office without contents, with the view of seeing whether they would be passed without being noticed by the sorters. In point of fact they did pass. Mr. Linton, however, does not seem to think it was a fair test. The other person assisting him was subjected to the same test, with a similar result. Something was said about the delay—that the letters being posted on the 1st and an explanation not being asked for until the 7th, the interval of time was too great; and in the case of the other person, Comrie, who said he had no explanation and regretted the oversight, that his explanation was called for promptly. Mr. Williamson explained the reason for the delay, and there is really nothing Mr. Linton has any reasonable ground to complain about. The conclusion, then, in respect of that is, I confidently submit, that the nine envelopes which were received or said to have been received empty were handed to the addressees exactly in the state in which they were posted—that is to say, the circulars had never been put in at all.

As to the delay, I have already said that it was due to the operation of the censorship, and not to any act of the Post-office. With regard to that, I would merely mention this: it has been established beyond any question that the Censor on his own responsibility held up these 460 closed letters, presumably including the letters to the forty clergymen, from Saturday morning until Monday morning at 11 o'clock. In the ordinary course of post all those letters so held up should have been delivered on Saturday. It is alleged, however, that three gentlemen did not receive theirs until Tuesday morning. Now, in the case of the Rev. Mr. Garland, who said that he did not receive his letter until Tuesday morning, he frankly admitted that his letter-box, which is situated some considerable distance from his house, might not have been cleared on the Monday afternoon. In the case of the Rev. Mr. Murray, he admitted that both he and his wife were away the whole of Monday and that the letter was received by the maid, who may have received it on Monday afternoon; and the maid has not been called to say she did not receive it on Monday. In the case of the Rev. Reuben Bailey, who said he did not receive his letter until the Tuesday, the letter-carrier, who cannot remember the specific date, is quite certain all letters received by him for delivery on the Monday were delivered on the Monday not later than 2.20 p.m.; and it has been proved by the officer in charge of the particular department that no letters in the letter-carriers' cases for delivery were left after 2 o'clock. The inference, therefore, is that Mr. Bailey, who no doubt may be taken to have discussed this matter a good deal, or heard a good deal about it from other clergymen in like case, may have been under the impression that his letter did not reach him until Tuesday, having in mind the important fact that he was prevented from making his announcement on Sunday. It is difficult, of course, at this late stage to reduce these things to any degree of certainty. If complaint had been made within quite a reasonable time that Mr. Bailey's letter had been delayed, the carrier would have been asked at once, and his memory would have been quite fresh about the matter, and he might even have remembered the specific letter; but to ask a carrier on the 22nd August what time he delivered a letter or if he remembered the delivery of a specific letter on the 9th July is quite absurd.

Mr. Ostler: That is what you did in the case of Mr. Garland's letter.

Mr. Gray: As to the charges of non-delivery, three persons, and three persons only, say that they did not get letters delivered to them. One of these is Mr. Goldie, whose name appeared for the first time when he went into the box to give evidence. With regard to all those three persons, there is no proof of posting—that is, no satisfactory proof of posting. With regard to two of them, the Rev. Mr. MacDonald and the Rev. Mr. Thompson, there is no evidence except the fact that their names were included in the long list of clergymen who were to be invited to make the announcement—except that, I say, there is no evidence that the letters were ever posted at all; and in the case of Mr. Goldie, there is no evidence—other than the evidence of Mr. Bilby that he sent a letter—that it was properly and specifically addressed. If his letter bore the superscription "Box 912" and got into the Post-office, it would in due course have been delivered to the Censor on the morning of the 7th July—Saturday—and would have been amongst that batch released for delivery at 11 a.m. on Monday. There is no proof, and nothing from which your Worship can infer, that any letter-carrier neglected his duty or that any sorter neglected his. The sorting of Friday night's correspondence was completed in the early morning of Saturday, the 7th, and there is no room for suggesting that this gentleman's letter was tampered with or suppressed. A most unworthy attempt has been made on the part of Mr. Elliott, and persisted in at the inquiry, to say that the carriers had improper knowledge of the contents of these circulars, and it appears that he desires to connect their knowledge with his statement that persons in the Post-office were taking a particular interest in his meeting, and were doing their best to assist in stifling it. The knowledge on the part of the letter-carriers has been explained quite satisfactorily, I submit, by the statement of one of the carriers that he derived the information which enabled him to tell some lady what the circular was about, from the fact that one of the letter-carriers had himself in his private capacity received an invitation with a circular, and had mentioned the fact and disclosed the circular to some of the carriers sitting near him, one of whom was this carrier who mentioned the circumstances to the lady complaining. That, therefore, I think, disposes of the allegation that any officer in the Post-office had derived improper knowledge of the contents of the circulars.

Now, sir, as to the censorship, the idea seems to have got into the minds of Mr. Elliott and others that this censorship was the outcome of some machinations of the Roman Catholic Church, the arch-enemy of Mr. Elliott and his friends. The idea did not merely get into his mind, but he ventured to assert publicly that the censorship was the result of Roman Catholic machinations, and that it was established in the interests of the Roman Catholic Church. The idea originally began, apparently, with the supposed attempt at the suppression of that American journal called

The Menace, a copy of which is before your Worship. It was suggested that the attempted suppression of that paper was due to some effort on the part of the Roman Catholic Federation to induce the Postmaster-General to prevent the paper from being circulated through the post. I confess, after having had a very casual glance at the contents of that paper, that the Roman Catholic Federation, or, indeed, any individual Roman Catholic, could not very well be blamed if it or he had attempted to induce the Postmaster-General to take that course, because the paper appears to be what might be called a red-hot exponent of views entirely opposed to Roman Catholics and their religion and ceremonial, and contains a very large number of advertisements, apart from reading-matter, which I suppose any Catholic would consider insulting and derogatory. But in point of fact, the ban put upon this journal was not due to any representations on the part of Roman Catholics as to its contents with respect to religious matters, but because the Postmaster-General, upon the advice of the Solicitor-General, his responsible legal adviser, deemed that the paper was objectionable on account of certain advertisements which appeared in it. The Postmaster-General made that perfectly clear in his letters to Mr. Seabrook, which are before your Worship. But when the censorship came to be applied a few years later to box 912, Mr. Elliott and his friends seem to have connected the former ban put upon *The Menace* with the acts of the Censor in relation to box 912. This censorship, however, as has been proved here, was brought upon themselves by the distribution of what was deemed to be, in the eyes of the gentleman who advised the Censor—namely, the Solicitor-General—literature having a mischievous tendency. It was unfortunate, perhaps, that the Loyal Orangemen and the Protestant Political Alliance all used the same box, and that correspondence intended for the Protestant Political Association, which has brought itself under the ban by this order as to censorship, was not the only correspondence affected by that order, but the Orangemen themselves necessarily had their correspondence interrupted by the Censor for the reason that they used the same box. Now, the orders as to censorship have been explained thus: In December the Chief Censor, on the advice of the Solicitor-General, directed that all literature emanating from this box should be submitted to the Censor. In March the order was renewed, probably in consequence of public attention having been directed to Mr. Howard Elliott's activities, especially at his meetings at Hamilton and elsewhere. The order thus repeated included, on the instructions of the Wellington Post-office, repeated through the Chief Postmaster at Auckland, all correspondence as well as literature. The addition of correspondence is justified by the Postal authorities from the fact that it was impossible to distinguish between literature and correspondence, and to say whether postal matter going through box 912 included literature or not, unless everything was submitted to the Censor. So that Mr. Elliott and his friends have no reason to complain. Nor have they any reason to complain because, owing to some lack of oversight on the part of some office sorters or others in the Post-office, who are required to remember really an enormous number of orders from time to time, the censorship over the correspondence was to a certain extent relaxed or omitted. So there again Mr. Elliott and his friends have no cause for complaint. They got the benefit of that oversight. And it appears that not until the 6th July was the attention of the officers again drawn to the fact that the correspondence of this box was the subject of an order for censorship. It appears now that none of these circulars which were posted during the first week of July were submitted to the Censor at all, and that was only through lack of oversight on the part of the sorters. No harm resulted from that omission in the slightest degree. All that was submitted to the Censor in connection with this meeting were the letters posted late on Friday night, and which were held up over the Sunday and delivered on Monday. The inquiry has conclusively proved, therefore, that as far as the censorship is concerned it was no more brought about by the Roman Catholics, and was no more established in the interests of the Roman Catholics, than by any other body or association, religious or otherwise, and that it was due solely and entirely to the judgment and discretion of the Solicitor-General, whose opinion upon the matter was based upon his own views of the tendency and effect of the literature which this body was distributing. It is clear also that that particular body and the persons using box 912 have not been subjected to any exceptional treatment. The Censor, who appears to be a young man of considerable discretion and soundness, so far as he was at liberty to disclose anything at all, has made it plain that the censorship is not applied unduly, but that it is extended to various persons and boxes that, in the opinion of the Chief Military Censor, require a certain amount of watching. Of that no one can complain. We are all, as I said before, in times like this subject to certain inconveniences, and no one in the community can complain if, for reasons which seem good to the chief authority, his correspondence should be the subject of review and inspection.

The results, therefore, I submit to your Worship with great confidence, come to this—and I say that no reasonable and unprejudiced person who has carefully followed the proceedings throughout, and has read the very fair reports of these proceedings which have appeared in the daily Press, can come to any other conclusion than this—that Mr. Elliott was never justified in the slightest degree in making the charges which he made against the Post-office or against the Censor; and that the honour and probity of the officers of the Post-office stand as high as ever they did, with the possible exception that I have alluded to before of the individual who has undoubtedly been giving some sort of information out of the Post-office to Mr. Elliott in breach of his duty and his obligation, and whom Mr. Elliott has not thought it beneath his dignity and position as a minister of the gospel to tamper with and corrupt in the performance of that officer's duty. With that sole exception I say that the character and integrity of the officers of the Post-office stand as high as ever they did, and I say that if the occasion should ever arise again for the public to be attracted by any such reckless, wild, and intemperate statements as Mr. Elliott has indulged in prior to these proceedings, persons who hear him can only be inclined to say, "That is only some more wild talk of the Reverend Howard Elliott, who was so utterly discredited

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

when he is asked, and to direct when he is told; but he has not by virtue of his position the power to undertake the duties entrusted by the will of the people to responsible Ministers. Anything more mischievous or more dangerous than that a paid Government official, without any instructions from the Government or the Minister in charge of his Department, should have the power to override Acts of Parliament and direct a censorship of the literature and correspondence of any political body at his own will it is hard to conceive. Now, I am willing to admit that the Solicitor-General is a great lawyer. No one could have worked under him and come in close touch with him, as I have done for five years, without being impressed by his great capacity and legal knowledge; but his true function is, as I have said, to advise, and only to advise, on questions of law, and only to advise when asked to do so. It is only Ministers responsible to the people who have the power to direct in this country. And the people of this country, when they get to hear of it, will not suffer for a moment a paid Government servant taking the direction of such a high and important matter of State into his own hands and directing the Military Censor what he is to do. I say, sir, the action of the Solicitor-General in this case shows pretty conclusively that his practice of constitutional law is considerably weaker than his knowledge of it: in plain terms, I say the Solicitor-General's action was unconstitutional and quite illegal. The people of this country, I say, will require the Solicitor-General and every other paid servant to act as a public servant and in accordance with the law, and not as a master and above the law, like a dictator.

Now, the Solicitor-General has assured us he did not act in the interests of the Roman Catholic Church; and I, for one, knowing him well, am quite glad to accept that assurance and to admit that in so acting he was not corruptly or even consciously influenced by any member of the Roman Catholic Church. I admit he is not the kind of man that would consciously lend himself to any corrupt influence of that sort; but I do say that his illegal action is directly in the interests of the Church of Rome, and I submit that the evidence that has come out here and the reasons I shall give will prove it to the satisfaction of all reasonable-minded people.

Now, if the contents of this pamphlet, "Rome's Hideous Guilt," which the Solicitor-General says was the cause of his first directing the censorship—if the contents are true and not connected with the conduct of the war, every citizen in this country has the right to proclaim the truth either in speech or print; and Mr. Elliott has told us on his oath that he was so advised by the Attorney-General himself. Even assuming the contents of that pamphlet were untrue, every citizen of this country has still an equal right to publish them; and the only penalty for making untrue statements on a matter of public interest or history is that the maker of them is lowered in the estimation of right-thinking people. So far as this pamphlet is concerned, we have it in evidence that it is mostly a reprint from the *Churchman's Magazine*, a magazine circulated without let or hindrance not only throughout Great Britain, but throughout the British Empire. There is the original from which it came, and your Worship can compare the two. With the exception of a little paragraph at the start and another little paragraph at the end it is word for word the same. Now, the greater part of the pamphlet consists of some historical facts about the dates when war was declared between various States, and the translation of a concordat or an agreement, between the Pope and the Serbian Government by which the Roman Catholic religion was made the State religion of Serbia. And whether the deductions from those facts that Rome had any guilt in the European carnage are true or not, we cannot shut our eyes to the fact that throughout the Protestant Press of England it has been stated that that is so, and we cannot shut our eyes to the fact that in our daily Press it has been said that Rome is on the side of Germany—that the Pope's offer of peace that has been appearing in the papers is dictated by Germany—as the *Daily Mail* said, "The voice is the Pope's but the hand is the Kaiser's"—and that particular cablegram has appeared in every newspaper in New Zealand within the last two or three days. Now, these cablegrams are allowed free circulation in this country, and even the Solicitor-General has not attempted up to date to direct the despotic hand of the Censor to cut them out of our daily Press, although they reflect just as strongly as this pamphlet upon the Pope and the Roman Church. Yet if this pamphlet is mischievous and likely to stir up dissension these comments in the daily Press are equally mischievous, and ought to be stopped also. If this pamphlet is fit for censorship on the ground that it might tend to dissension, not only are these statements in the Press, but so is any pamphlet or manifesto issued by the Employers' Federation, the Federation of Labour, the liquor trade, the Prohibition party, the six-o'clock-closing party, or, in fact, any political party or any organization established for any religious, moral, or political purpose. Why not—to take an example—on the same principles direct the censorship of the manifestoes published by the strong and determined party in the country at the present moment who desire in the interests of efficiency and economy to see the bars of hotels closed at 6 o'clock? Why not censor those? One can imagine that such a manifesto might cause great wrath and bitterness among the poor brewers and publicans, who say they have been so much harassed already by the anti-shouting legislation and have made such great sacrifices already to help to win the war. Why not censor those on the same principle, because the principle on which the Solicitor-General said he acted is exactly the same? Now, sir, I submit the reason those are not censored is quite plain. The feeling is so strong in this country that neither the Government nor the Solicitor-General would dare to do it. If it were done it would be said by every right-thinking person that it was done in the interests of the liquor traffic; and I say, with equal justice and logic, that the censorship of that pamphlet was in the interests of the Roman Catholic Church, and the Solicitor-General will find that if he attempts to stop the right of free speech on this question he will have touched an even deeper spring of feeling, and he will find that the Protestant community will not tolerate interference with the right of free speech and thought. I must emphasize the fact that it was clearly outside the function of the Censor to touch the pamphlet at all, inasmuch as it has no matter in it in the slightest degree relative to the war, but only to the cause of the war.

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

Act and have read those words, but unfortunately I have forgotten it. However, your Worship will know them quite well. The only effect of the regulations is to take away the right of the subject to trial by jury and to change the tribunal—that is the effect of it. Apparently people who exercise autocratic power do not like juries. I do not know why—at least, one can imagine why. The right of appeal has not been taken away; there is still the right to go to the Supreme Court, and the Supreme Court of this country has never been behind in upholding the right of free speech to members of the community.

I want to say a word about Mr. Morris's evidence. If I may be permitted to do so, I want to pay a tribute to the open and impartial manner in which he gave his evidence. Mr. Morris is well known as a gentleman who has had a long and honourable record in the Public Service, and I should be sorry indeed to impute or even to think for a moment that Mr. Morris had been guilty of any dereliction of his duty. There is only one respect in which I do not agree with Mr. Morris, and that is in his refusal to produce the written direction of the Solicitor-General to him to order the censoring of the correspondence of this box. And even then, although I think Mr. Morris was mistaken in doing so, I quite appreciate that his motive in not doing so was honourable, as one would expect. The Solicitor-General apparently did not want his second written instructions produced—that must be obvious, because he sat in the witness-chair and he would have produced them himself if he wanted to. He must have known about them. Why did he not want them produced? One can quite understand that even he did not want it disclosed to the public that he had illegally usurped the power of the Censor, because the second direction was to Mr. Morris, not to the Censor. Now, one of the objects of this inquiry is to find out on what grounds a military censorship has been established over the correspondence of persons using box 912. Mr. Morris's evidence discloses the startling fact that no military censorship has ever been established over this correspondence at all. Only one order has been produced from the Military Censor, and there is but one order from the Military Censor in existence—that of the 18th December, directing a military censorship, not over the correspondence at all, but over the literature and circulars sent out by the Committee of Vigilance who were using that box. Now, every one in the Post Office, especially men with forty years' service, but every one in the Post Office must know the difference between literature and sealed letters. The distinction between them is made so absolutely clear in the Post and Telegraph Act, and such precautions are taken by law to make a sealed letter sacred, that the veriest cadet in the office must know that a sealed letter is regarded as a sacred thing in the Post Office. There has been no order from the Military Censor directing a censorship of the letters—none whatever. None has been produced before this tribunal. Although this Commission is charged with the duty of finding out on what grounds these sealed letters have been censored, the only written order produced—except Mr. Williamson's in the order-book, which I will refer to in a moment—is one by the Secretary of the Post Office, who admits that he had no power to give such an order. But he says he was directed to give that order, not by the Military Censor, but by the Solicitor-General, and although he admits that no one but the Military Censor could legally give such an order, he admits he obeyed the order of a man who had no power to give it.

Now, recently, when the head of the Public Health Department, Dr. Valintine, was called on to do some work in regard to military hospitals it was thought necessary in order that he should do that work efficiently, apparently, to confer on him the honorary title of "Colonel." The Solicitor-General is doing military work: I would suggest for the consideration of the authorities that it would not be wise to allow him to do this work without conferring on him some military title—not plain "Colonel," because he directed the Colonel in the first place—Major-General at least. Indeed, he has assumed more power than the Postmaster-General; and the Governor-General himself has no power to do what the Solicitor-General assumed to do without the responsible advice of his whole Cabinet—that is laid down by section 27 of the Post and Telegraph Act. What power has been given to this paid Government servant to override the laws and usurp the highest powers of the Government? No clearer proof could have possibly been given that the censorship established over this correspondence is unlawful than the damning evidence of Mr. Morris. I do not know whether your Worship will remember the well-known historical instance in 1844 when an accusation was made against the Secretary for Home Affairs, Sir James Graham, that he had opened the correspondence of the great Italian patriot Mazzini, who was then sheltering on the free soil of England from Austrian oppression. When he confessed he had done so he had to resign, and this charge eventually contributed to the downfall of the British Ministry. It is a well-known historical case, and it is set out with some fullness in the "Encyclopædia Britannica." I looked it up a day or two ago. I mention that to show what an important State function this is, and how serious it is that a Government servant should usurp the function of directing the opening of letters which are posted—a power which is only assumed on the highest State grounds—that is, danger to the State—by a responsible Government. I say the Protestant community of this country—and it is a numerous one—will require the strictest account from its Government for this illegal act of the Solicitor-General.

Now, on the first charge, what have we proved? We have proved, first, an attempt, successful for a time, in May, 1914, of the Catholic Federation, then recently formed, to deny to a Protestant newspaper the use of the Post Office on the alleged, or as I say the false, ground that that paper was disgustingly immoral in tone. Now, that is admitted in cold print by the Federation itself. The extract from the newspaper is before your Worship—a cutting from the *Herald* of the 20th May, 1914. [Read from the beginning of third paragraph to "disgustingly immoral in tone."] Copies of this paper, *The Menace*, have been put in evidence, and I defy any right-minded man to find one word of an immoral tone in that paper. It is a paper conducted by men who breathe the spirit of Martin Luther; it is a paper which has now a circulation of

millions; it is a paper which has become a force for righteousness and liberty and free speech not only in America, but wherever it goes; and the real cause of the Roman Catholic hatred of it is not that it is disgustingly immoral in tone, but because it has the courage to attack the abuses of the Hierarchy. Now, Mr. Morris very frankly agreed to produce the file showing what the advertisements were that were objected to, and he has been as good as his word and they have been produced. Your Worship will see three advertisements marked with blue crosses. They are advertisements with regard to regulating-pills or something of that sort. They are so small it would almost require a microscope to read them. I was amazed when I saw that paper yesterday and saw the sort of thing on which the Post Office stopped correspondence—

Mr. Gray: Not stopped correspondence.

Mr. Ostler: Stopped such literature. I was able to pick up yesterday's paper lying on the table and to point out to Mr. Morris exactly the same kind of advertisements. I noticed in to-day's *Herald* and last night's *Star* exactly the same kind of advertisements.

Mr. Gray: And what did Mr. Morris say?

Mr. Ostler: He said that if his attention was drawn to them he would take the same action. I am not going to say Mr. Morris acted in bad faith, because I am sure he acted in good faith.

Mr. Gray: It was the Postmaster-General, on the advice of the Solicitor-General—not Mr. Morris.

Mr. Ostler: Whoever did it, I admit he acted in good faith, but I say he was hoaxed by the Roman Catholic Federation. If your Worship will compare those, and if you look in this morning's *Herald* you will see exactly the same thing; and here is the *Star*, a paper conducted with decorum and cleanness—the same advertisement; and these things go through the post. I do not want to unduly delay your Worship, but I could produce advertisements from almost every paper that comes into New Zealand, and goes through the post, not only of that sort, but treating of the matter in very much plainer terms—*Lloyd's News*, *San Francisco Chronicle*—I am not going to read the advertisements—I have been given a good many—but I submit that is sufficient to show your Worship that the advertisements that were objected to were by no means disgustingly immoral in tone, nor is any of the matter in the paper. Now, what has happened to the Catholic Federation's zeal for purity? Why is it not waging its virtuous war against the *Star* and the *Herald* to-day? I admit, of course, that the Postal officers acted in good faith in the matter. I admit that Mr. Rhodes is not the sort of man who would be influenced knowingly by the Catholics or by any one else to do a wrong thing from a wrong motive; but the Catholic Federation must have laughed up their sleeves at the simplicity of these gentlemen and the way they had hoaxed them. Curiously enough, this morning a copy of the *Tablet*, the Catholic organ, was put into my hands in which there is an article headed, "The Filthy Menace," which contains a copy of the letter sent to the Hon. Heaton Rhodes complaining of this matter, and it appears from that letter that the blue marks were put on by the Catholic Federation or the gentleman responsible for the letter himself, because that is so stated in the letter. Apparently the Post Office officials were so busy or so blind that they took their microscope and examined those three advertisements without looking at another thing in the paper.

Mr. Gray: You might quote Mr. Rhodes's letter.

Mr. Ostler: Yes, I will quote Mr. Rhodes's letter: it is set out in the *Tablet*. [Letter read.] Now, sir, the very fact that that kind of advertisement appears daily in our Press must show to any reasonable-minded man that it was not the advertisements at all that the Roman Catholic Federation objected to, but the fact that the paper was an attack upon them, and not an attack upon their religion, because there is not a word which attacks their dogma or religious observances, but merely their political activities and the abuses referred to in the paper. Now, I really would like, if I may be permitted to do so, to advise the Postal authorities that next time the Catholic Federation sends them a letter complaining of one of the advertisements they look a little further than the advertisement and read the matter, and try and find out the motive before they act in this way. I say this instance fully proves a dishonest attempt by the Catholic Federation to interfere in the interests of its Church with the functions of the Post Office—an attempt which, unfortunately, the Post Office, through lack of knowledge or through simplicity, fell in with.

What next have we proved? We have proved the second attempt, in February, 1915, in the Post Office itself, to interfere with correspondence legally addressed to *The Menace*, for which the Acting Postmaster-General had to give a humble apology, and assure Mr. Seabrook it would not occur again. The files were agreed to be produced in that matter, but unfortunately I have not had time to look at them; but I should like before I leave the room to be shown them.

Thirdly, we have proved this: that the most disloyal and seditious utterances are appearing in the Catholic Press, which still has the free use of the Post Office for distributing that matter untrammelled by any censorship. Now, I have read some specimens of that, and I have been given the right by your Worship to put in some specimens. I am not going to delay your Worship longer than necessary by reading them; they are in evidence, and I presume I have a right to read them, but I would like to assure your Worship that if time permitted and your Worship would let me I could keep your Worship half the day reading extracts of sedition and disloyalty that appeared in the Catholic Press.

His Worship: If you put them in they will be read.

Mr. Ostler: I propose as a sample to read one—no worse than any of the others, but it is fairly short—just to show the sort of thing that is being said. It is headed "To Bagdad and Ireland." [Article read to words "killed for our sakes."] This is only a fair specimen. I think that, and specimens like it which I have put in and which will be put in, will show that we have proved conclusively that the Catholic literature which is going through the Post Office uncensored contains disloyal statements which are much more mete for censorship than that pamphlet.

Mr. Gray: Before my friend passes on I would like to remind him that censorship does not originate with the Post Office. The Post Office cannot interfere with the circulation of any paper except in the cases specifically provided for by the Post and Telegraph Act, or where directed to do so by the Censor.

Mr. Ostler: I quite understand, but the point I am making is that the Post Office has refused to answer why this disloyal literature is allowed to go through uncensored while the literature of loyal Protestants is censored; therefore it seems that the censorship is in the interests of the Roman Catholic Church.

Fourthly, we have proved that because the Protestant Association sees real danger to its liberties in the political activities of the organization responsible for that sort of thing, and because the Protestant Political Association organizes for the defence of its liberties and issues a pamphlet containing facts or deductions generally admitted to be true in the Protestant Press in England, the Solicitor-General, on the complaint of some flabby politician, takes upon himself, upon being merely asked to advise, to think that the literature is mischievous—that it is mischievous, to use plain speech, to say that disloyalty is disloyalty—and he unlawfully directs the censorship not only of the literature, but of the sealed letters addressed to and sent out by that body.

Fifthly, we have proved that under his direction letters have been illegally detained and opened—because the Censor, although he was not permitted to say almost anything, did admit that he opened letters—and in some cases money that had been posted to this association had been held back—he refused to say what had been done with it. In fact, one must say that the gentleman who conducts the business of the Postal Censor in Auckland was an exceedingly well-tutored gentleman—he was not permitted to say anything which would throw any light on the matter at all. We have proved, at any rate, that the letters addressed to this box have been opened, and that they were kept back, and that money in them is kept back; what is done with it we are not permitted to learn. If this is insufficient to prove that the censorship is in the interests of the Roman Catholic Church, then I do not know what is. I say, sir, considering the facts which I say we have proved, if this is not proof sufficient that the censorship is in the interests of the Roman Catholic Church I do not know what more we could prove. All I know is that the great majority of the people of this country will never believe otherwise in the face of this evidence.

With regard to Mr. Williamson's evidence, I submit that makes the matter more extraordinary still. This officer was so zealous in the performance of his duties that he was able to anticipate by a clear fortnight the instructions of his Head Office.

Mr. Gray: He said he had had the file sent to him.

Mr. Ostler: We have it that on the 23rd or 24th March he put an order in the order-book ordering that the letters—that is, the correspondence—of the persons using this box should be submitted to censorship, and Mr. Morris did not direct him in writing to do so until the 5th or 6th April—a fortnight later. I am quite willing to admit that Mr. Williamson acted in good faith in the matter; I do not wish to impugn Mr. Williamson's good faith in any way; but I say it was an absolutely illegal act, and a very serious illegal act, committed by Mr. Williamson without any instructions from the Military Censor at all, and it is quite clear that there were no instructions on the 23rd March to open the correspondence of people using this box. Mr. Williamson gives this reason—I do not want to be unfair to him in any way—he gives the reason that he could not ascertain what was literature unless he opened the letters. Now, that is a reason which might appeal to the man in the street that knows nothing about postal matters. Surely it is not a reason which should appeal to a Postal officer of over forty years' experience. He must know the sacred nature of sealed letters, and if he had read that instruction by the Censor of the 18th December carefully he ought to have been aware that when the Censor orders the censorship of circulars issuing from this association it is quite a different thing from ordering that the correspondence addressed to or coming from that particular box was to be held up, opened, and retained. That is all I have to say on what I have treated as the first charge—that is, that a military censorship had been established over this box in the interests of the Roman Catholic Church.

On the second charge we have proved that some forty-five letters addressed to ministers were posted on Friday night, the 6th July. It was admitted they were posted in time for delivery on Saturday morning. Two we have proved were never delivered at all. The Post Office has made no attempt to meet that charge. That surely is a serious matter.

Mr. Gray: Have you proved they were posted?

Mr. Ostler: Yes, two witnesses have proved the posting of those letters. Two separate ministers have said they did not receive their notices at all. Now, that is two in forty-five, an average of something like nearly 5 per cent. If the average which is stated in the Post Office return to Parliament of one error in practically half a million letters due to errors in the Post Office is correct, then 5 per cent. is something a little bit unusual. To put it in decimal figures, as Mr. Williamson put it, whereas the average they have found of errors due to Postal officers is 0.000,002, the average in this case is 0.05. The rest of these letters, we have proved, were delivered on Monday, except two or three which were delivered on Tuesday morning. With regard to Mr. Garland's and Mr. Macdonald's evidence, I quite agree with my friend there may be room for saying they were really delivered on Monday and not got until Tuesday; but in regard to the Rev. Reuben Bailey's letter there can be no mistake about that, because there is a note on the envelope, which he states he put on it the next morning, that he did not get it until Tuesday morning. Seeing that, for the reasons I have given in reference to the first charge, the censorship was not imposed by the Censor at all but by the Solicitor-General, and was therefore illegal, it must follow that these letters were illegally detained.

I want to say a word about the stamp paper that appeared on some of these envelopes. It is a most curious thing, and there is something there that has not been properly explained. The two witnesses who posted those envelopes swear they did not put any stamp paper on the back. The ministers I called proved they did not put that stamp paper on the back; the stamp paper was there when they were delivered to the ministers. The Censor admits he opened those letters. How did he open them? They are ordinary sealed envelopes stuck down, and your Worship must know how tightly gum sticks.

Mr. Gray: The Censor did not admit that he opened these letters.

Mr. Ostler: I believe my friend is right; but he said, generally, he rather scouted the idea that he could censor letters without opening them. He admits he had these letters for censoring, and the natural inference is that in censoring he must have opened at least some of them. How did he open them? Those letters were not cut open; they were letters on which the gum had dried in the ordinary way. They must have been steamed open in some way: how else could he have opened them?

Mr. Gray: He has not said he opened them, to begin with.

Mr. Ostler: He was not "permitted to say" that; but he did say that he opened letters in the course of censorship, and it is ridiculous to suppose he could censor these letters without opening them. I submit there is something unexplained there, which if he had been permitted to say would have cleared up that point.

As to the third charge, we have proved that nine persons to whom filled envelopes were posted received theirs empty—Mr. Shackelford, Mr. Lowe, Mrs. Fisher, Mr. Symons, Mr. Hannan, Mr. B. Smith, Mrs. Stuart, Mrs. Stainton, and Mr. T. Smith. We have also had the admission by the Post Office—a thing we did not know—of a tenth letter, addressed to Mr. Findlay, returned through the Dead Letter Office with no contents. In addition a postman informed Mr. Jamieson, and the same postman informed Mr. Bilby, that he had delivered other empty ones. That postman was called, and he said he was joking. All I can say to that is that Mr. Bilby and Mr. Jamieson are not fools; they would not come here and give that serious evidence of things they thought were said in jest. They came here and they said this man said he had delivered others empty.

Mr. Gray: "Others like them."

Mr. Ostler: "Others like them," if you like; it does not make much difference.

Mr. Gray: All the difference in the world.

Mr. Ostler: I think you will find Mr. Bilby said "empty," but it does not matter. Then, another postman told Mrs. Stainton and her two daughters that he had delivered others empty. That postman again has denied that; but in that case there are three witnesses against one. Another postman told Mrs. Stuart he had delivered a number of them on his round. I admit that is ambiguous—it might have meant full or empty ones. Another four letters posted full were not received—Mr. David Goldie, Mr. Woodruffe, Mrs. Irvine, and Miss D. Smith. Miss D. Smith gave most positive evidence she had posted a letter back to box 912 containing an empty envelope and a note. That letter has never been received, and the Military Censor is not permitted to say whether he has that still or what happened to it. In two or three instances—I think in three, but possibly two—the postmen when asked about the contents of envelopes said at once they contained notices of a meeting by the Orange Lodge. I think that was said to Mrs. Stuart and to Mr. Hannan and Mrs. Stainton—at any rate, to the first of those two. I submit that the attempt of the two postmen to explain that away is quite unsatisfactory. Mr. Roan said he heard Rusden say he had an invitation to an Orange meeting, but he did not see the letter. How, therefore, could he know that the empty envelope which he had taken to Mrs. Stuart was one of the same kind? He admits he did not see the letter; how therefore could he know that? The other postman, Ellis, says that he saw the letter next morning, and that it contained one of those egg-shaped tickets produced. The next morning was the 4th July, and these tickets never came from the printer until the 6th July. I say the attempts of the postmen to explain how they got to know what those envelopes contained are quite unsatisfactory, and their evidence should be rejected. I do not know how many more there are that have not come to light; but I say the instances we have proved show that there has been some tampering with the letters in the course of post. Now, the proof that they were posted full is strengthened by the fact that although they went through three sortings in the Post-office, not one was held up as being empty either in the mail-room or the letter-carriers' sorters' room. Only two witnesses of all the sorters that were called were bold enough to state it was likely to happen out of the great body of sorters. Of all the number of sorters that were called, and I suppose there must have been a dozen, only two out of the lot were bold enough to say it was likely to happen. I submit that a fair estimate, without going through at a wearisome length the whole of the evidence of these sorters—a fair estimate of the evidence of those sorters is that although it was possible it was not in the least likely. Not only have we the evidence of Mr. Bilby and Mr. Keyworth that the letters were properly filled and posted, but we have the strong evidence of those letters going through all the sortings without one being discovered empty. We cannot be expected to prove who abstracted the contents of those letters. All we know is—and it is freely admitted by Mr. Williamson and the Postal officials—that there is opportunity for letters while in the course of post—for the contents to be abstracted, and we say, in view of that evidence and the evidence I have already referred to, the fair inference is that there was some tampering with those letters. If the average of errors in the Post Office is only one in half a million, as stated in the return, then these fifteen or sixteen cases of irregularity in not more than 2,500 letters shows conclusively, I say, being so much above the average, that there must have been some design in it and not merely error, and I hope your Worship will agree there was sufficient under those circumstances to justify the charge. Mr. Williamson has complained that no particulars were given him to enable him to investigate the charge. The particulars were withheld on my

advice, and it may have been right or wrong, but I submit it was given on these good grounds: First, we knew that Miss Smith's envelope had not been returned; we knew it had been posted and not received; we knew it was held up in the course of post. Secondly, the Postmaster himself, Mr. Williamson, had rushed into print within an hour or two after the time he first knew the charges had been made, and said there could not possibly be any truth at all in them, instead of, as one would expect a judicial officer to do, saying, "Well, if Mr. Elliott will supply the full particulars we will make investigation": he prejudiced the matter right away. Thirdly, Sir Joseph Ward had made a statement in the House in which he made a very angry and foolish threat that some one would be prosecuted—I do not know whether it referred to Mr. Elliott—therefore it became necessary for us to carefully preserve all our sources of proof. Fourthly, we learned that the Post Office had employed detectives to try and show that the contents of the letters had been abstracted before posting, and also employed Post Office agents to interview persons who received letters from which it was alleged the contents had been abstracted. I submit, therefore, that that justified us in withholding the information until this inquiry took place. I admit that I ought to have written to Mr. Williamson and told him what we proposed to do. I left it to Mr. Elliott, and he to me. If it was my mistake I apologize; but I still say we were justified, in view of the attitude of the Post Office, in withholding the particulars until we came to this inquiry.

Mr. Gray has tried hard to draw the red-herring of religious prejudice across the scent in this case. He went so far in his opening address as to accuse Mr. Howard Elliott of making a public attack on the Catholic religion. There is not one word to prove that—not one word. I defy him or any person in this room to produce evidence of one word said on that point by any member of the Protestant Political Association. Mr. Gray has produced Press cuttings in an endeavour to show that this propaganda has met with public disapproval. Now, I am willing to admit that the Press of this country is on the whole conducted with cleanness and impartiality, and in such a manner as to reflect credit on itself; but the Press dare not publish what the people are thinking on this point. When the Press of this country gets up against a great vested interest, the Press is either silent or neutral, and obeys the behest of that great vested interest—every one in this room knows that. For example, every one must know that the great majority of the community at the present time is firmly convinced that in the interests of efficiency and economy the hotel-bars should close at 6 o'clock until the end of the war. We know from the records of the polls that for many years the majority of the people of this country have voted prohibition. All those must be in favour of it; and we know also that many other people who never voted prohibition think that as a matter of policy and sound good sense that should be done; therefore there must be a big majority. Can any one name a paper in this country that has consistently and fearlessly advocated that reform? Not one. Why? Because the Press of this country would be up against the vested interests of the liquor traffic, that big interest that can spread its largesse in the shape of advertisements. We all know that is so. The Press of this country dare not publish the truth of what the people are thinking on this question. I beg your Worship not to be led astray by that red-herring, not to imagine that the motive of the Protestant Political Association is religious prejudice. The issue in this case is purely political, not religious in any sense.

I yield to no one in love of country and Empire. I am as anxious to see our Empire great and strong and united as any person in this room, including your Worship. So it is with every member of the association which it is my duty and privilege to represent here to-day. But our Empire will never be united and cleansed of disloyalty until we have the courage, when we see sedition rearing its ugly head, to denounce it as such. The Empire will never be united while men exist in power who are so nervous and distrustful of liberty that they think plain and true speech on political questions is mischievous because it is calculated to offend traitors. I am not going to say that every Catholic in this country is a traitor, because I do not think that is so. Many Catholics have given loyal service to the country, and many have made the supreme sacrifice. I claim for all Catholics as well as Protestants religious liberty, and I would raise my voice in defence of the liberties of Catholics as well as of Protestants. But I say most earnestly—and the same thing was said on the public platform within the past month by the Prime Minister of Australia—that there is a dark and powerful force in this country, whose political activities are inimical to the best interests of the country. I believe that this inquiry is one of the first moves in a fight which will surely be fought to a finish to curb and break that power for evil, and for that reason I am proud to have been able to take some small part in it. If I thought that plain speaking on this subject was likely to estrange a loyal section of the community I would be the first to condemn it; but no one can read that literature emanating from that section without seeing that that is not the case. I do sincerely trust that your Worship will not agree with the Solicitor-General that it is mischievous, whether in time of war or peace, to boldly challenge and fight disloyalty to the Empire, and that you will assist by your finding in this case to uphold our liberties which our fathers so dearly won, and which we have so freely bestowed on all classes and all creeds which have the inestimable benefit of the shelter of our flag.

His Worship: My next duty is to report to the Governor-General and forward my findings to him. The inquiry is closed.

INDEX TO EVIDENCE.

	Commencing page		Commencing page
Abercrombie, F. J., Clerk in Charge of Letter-carriers	106	Lockie, Mrs.	27
Abercrombie, W. A., letter-carriers' sorter	100	Lowe, John	23
Bailey, J. G., letter-carrier	108	McCrea, H. G., head of Mail Staff	96
Bailey, Rev. Reuben	19	McCullough, William, senior letter-sorter	106
Benjamin, L. A., letter-carrier	108	Macdonald, Rev. G. A. J.	25
Bentley, Miss	116	Mackrell, T. R.	25
Bilby, H. S.	20, 23, 29, 54	Morris, W. R., Secretary, G.P.O.	59
Blandford, Miss, Devonport	88	Murray, Rev. A. A.	20
Bleakley, J., Assistant Officer in Charge of Letter-carriers	113	Ostler, Mr. : Opening address	11
Brady, L. E., messenger	94	Ostler, Mr. : Closing address	121
Bush, F. H., letter-carriers' sorter	99	Phillips, Miss	31
Chief Postmaster, Auckland	65, 95	Richardson, William	49
Clouston, J. P. P., Censor, Auckland	113	Roan, R. W., letter-carrier	109
Connie, D. S. A., sorter	92	Roseman, F. J., letter-carrier	109
Cornwell, T., sorter	98	Rudd, G. W., Chief Mail Clerk	85, 95
Cotter, William, assistant head of Mail Staff	97	Rusden, N. B. H., letter-carrier	111
Courtney, J., sorter	94	Salmond K.C., Mr. J. W., Solicitor-General	43
Dupree, J. A.	49	Seabrook, H. H.	50
Elliott, Rev. Howard L.	31, 34, 47, 53	Secretary, General Post Office	59
Elliott, W. C., letter-carrier	107	Smith, Bertie	24
Ellis, P., letter-carrier	111	Smith, Miss L.	28
Fisher, Mrs. Laura	26	Smith, Miss N.	29
Garland, Rev. C. H.	19	Smith, Thomas	28
Goldie, David	53	Solicitor-General	43
Gray, K.C., Mr. : Opening address	55	Stainton, Miss	27
Gray, K.C., Mr. : Closing address	117	Stainton, Mrs.	26
Gribble, H., letter-carrier	101	Stuart, Mrs.	33
Hannan, J. H.	24	Swayne, B. R., letter-carrier, Devonport	102
Hayes, D. G., chauffeur	89	Symons, H.	24
Herd, J. R., messenger	93	Taylor, E. H., letter-carriers' sorter	105
Irvine, Mrs.	48	Thompson, Rev. F. A.	25
James, C. E., sorter	99	Turner, D., letter-carrier	109
Jamieson, G. W.	54	Turner, M., letter-carriers' sorter	102
Keane, C. D., sorter	93	Webb, H. L., letter-carrier	102
Keyworth, E. L.	22	Williamson, J. C., C.P.M., Auckland	65, 95
Linton, A., sorter	90	Woodruffe, Henry	26
		Woods, H. G., letter-carrier	103

LIST OF EXHIBITS.

- A. Prime Minister's telegram to Mr. Howard Elliott's solicitors.
 B. Mr. Ostler's letter to Prime Minister containing charges.
 C. Photograph and original of envelope addressed to *The Menace* stopped in post and marked "Prohibited."
 D. Pamphlet, "Rome's Hideous Guilt in the European Carnage."
 E and E1. Card and circular inviting application for tickets to meeting in Town Hall, Auckland, 11/7/17.
 F. Rev. Reuben Bailey's envelope.
 G. List of ministers to whom pulpit notices were sent.
 H. Mr. Gailey's envelope.
 I. Mr. Hannan's envelope.
 J. Mr. Symons's envelope.
 K. Mr. Shackelford's envelope.
 L. Mr. Fisher's envelope.
 M, N, O, and P. Copies of four letters, three of which alleged to have been stopped by Censor.
 Q, R, S, T, and U. Complaints of non-delivery of letters to Vigilance Committee.
 V. Newspaper extract: Roman Catholic Federation's action in regard to immoral literature.
 W, X, and Y. Newspaper criticism of Mr. Elliott.
 Z. *Auckland Free Press* report of Town Hall meeting, 11/7/17.
 AA. Solicitor-General's memorandum to Chief of General Staff.
 AB. Pamphlet, "Did the Pope know?"
 AC. Protestant Political Association's prospectus.
 AD. Mr. Elliott's Hamilton meeting: local newspaper's report.
 AE. Pamphlet, "Pope and Kaiser: Is Rome pro-German?"
 AF. Extract from *Tablet*.
 AG. Complaint of non-delivery of letter to box 912 from Mrs. Irvine, Otahuhu.
 AH. Statement of evidence of William Richardson.
 AI. Mr. Seabrook's correspondence with Postmaster-General and Prime Minister.
 AJ. Copy of *The Menace*. (Also BT and BU.)
 AK and AL. Correspondence regarding stoppage of correspondence to *The Menace*.
 AM. Mr. Elliott's Hamilton meeting: local newspaper criticism.
 AN. *The Green Ray*.
 AO. List of undelivered correspondence from Protestant Political Association, with letter-carriers' reasons for non-delivery.
 AP. Envelope with gummed paper on back.
 AQ and AR. *Tablet*.
 AS. Envelope addressed to Mr. Taylor; postmarked with flap in.
 AT. Mr. Gailey's inquiry for missing letter—wrongly addressed.
 AU and AV. Particulars of staff and business of Post-office, Auckland.
 AW, AX, and AY. Instructions regarding censoring of correspondence of box 912.
 AZ and BA. Complaint of non-delivery of letter; Post-office blameless.
 BB. Letter with gummed paper on back.
 BC. Memorandum *re* three alleged convictions of Auckland Postal officers.
 BD. "Woman Voter."
 BE. Eight empty envelopes passed in sorting by Messrs. Linton and Comrie.
 BG. Mr. Linton's explanation of passing empty envelopes.
 BH. "Special request" letter surcharged $\frac{1}{2}$ d.
 BI and BJ. Town Hall meeting, Auckland, 11/7/17; local newspaper reports.
 BK. Mr. Comrie's explanation of passing empty envelopes.
 BL. Sample of Post-office gummed label used for sealing packets found open.
 BM (1), (2), (3), and (4). Copies of four letters prepared by Mr. Elliott and passed by Censor.
 BN. Correspondence of Post Office with Mr. Elliott and of Mr. Gray, K.C., with Mr. Elliott's solicitors.
 BO. Mr. John Findlay's envelope.
 BP. Mr. Howden's envelope.
 BQ. Examples of misaddressing correspondence.
 BR and BS. Auckland daily papers containing advertisements similar to those in *The Menace*.
 BT. *The Menace*, with advertisements objected to.
 BU. *The Menace*. (Also AJ and BT.)
 BV and BW. *Churchman's Magazine*, 1915 and 1916.
 BX and BY. Envelopes with card and circular (not referred to in evidence).

Approximate Cost of Paper.—Preparation, not given; printing (650 copies), £90.

By Authority: MARCUS F. MARKS, Government Printer, Wellington.—1917.

Price 2s. 6d.]