

original of this telegram has written upon it the words "Special wire;" but it was not paid for, and consequently it was sent and reached Wellington as a Government telegram. I am further informed that this telegram has never yet been paid for, and that there was no arrangement made between Mr. Sheehan and the Telegraph Department at Napier with regard to payment for his private messages. I have the following memorandum on the subject:—

Hon. J. Hall.
—
18th Nov., 1879.

"Memorandum for the Hon. the Telegraph Commissioner.—Hon. Commissioner.—Referring to the telegram sent by Mr. Sheehan from Napier on the 19th August, and said by him to have been presented as a private telegram, I beg to inform you that, having inquired into the matter, I find that the message was not paid for at the time of presentation, and was therefore transmitted as a Government telegram. I observe in the original the words 'Private wire' written, but the Napier office does not appear to have understood that these instructions meant the transmission of the message as an ordinary telegram. I have ascertained that there was no arrangement made by Mr. Sheehan with the office as to the payment of his private messages, and, as the telegram in question was not accompanied by the fee for transmission, it was sent on as a Government telegram.—A. T. MAGINNITY, Assistant Secretary.—New Zealand Telegraphs, Head Office, Wellington, 17/11/79."

If I had known that the original was marked "Private wire," even though it was sent as a Government telegram, I should not have laid it on the table. It certainly would not have been laid on the table as a public telegram if I had known that it was not meant to be sent as such. There is one other telegram in respect of which I should like to make an explanation. I refer to one which was sent by Sir George Grey to the editor of a Wairarapa newspaper. It has been stated that this message was sent at the expense of the public by accident, or through a misapprehension on the part of Sir George Grey's Private Secretary, and that it should, therefore, not have been looked upon as a Government telegram. If I had had any reason to suppose that such was the case, the message would not have been laid on the table; but, so far from that being the case, the original telegram is marked "O.P.S.O.," meaning "On public service only," in the handwriting of Mr. Sheehan, who signs this instruction with his initials. It appears to me, therefore, to be in every sense of the term a Government telegram, and the property of the public. In conclusion, I may say that I should be glad if the telegrams which were laid on the table by mistake could be withdrawn. I do not think I have any more to say on the subject, but I shall be glad to answer any questions which members of the Committee may wish to put to me.

4. *Hon. Mr. Gisborne.*] Did you ask for these telegrams as a Minister or as Telegraph Commissioner?—As both.

5. The Commissioner need not be a Minister. Could the Commissioner, if he were not a Minister, order telegrams to be produced?—That is a matter of opinion; but, speaking off-hand, I should say not.

6. Do you consider that telegrams from one Minister to another, though franked, are public documents which can be produced?—They should be produced, unless reasons of State rendered such a proceeding undesirable.

7. If you wrote to a colleague and franked the letter as being on the public service, would you leave that letter in the office as a record for your successors?—No; because Ministers ought to have leave to correspond privately on questions concerning the public service.

8. Therefore you would not consider communications between Ministers, though they were franked as public documents, to be public property?—No. There is a broad difference between such communications and those on electioneering subjects.

9. Had you an order of the House for the production of these telegrams?—I was asked by a member of the House in his place to produce them.

10. But you had no order of the House to lay them on the table?—No; I was simply requested to do so by a member of the House in his place, after notice given, and when they were ready I stated in the House what the papers were, and asked for leave to lay them on the table; and the question was put by the Speaker and agreed to.

11. But when you first asked for these telegrams you had not been requested by any member to do so?—No. It had transpired that a telegram had been sent by Colonel Whitmore to Mr. Ingles on electioneering business which had not been paid for, and that led to a statement being made to the effect that the Government were freely using the telegraph at the public expense for electioneering purposes. This was denied most emphatically, and I therefore desired the Telegraph officials to report to me whether or not the statement was correct; but I went no further until I was asked to produce the telegrams by a member in the House.

12. Did it not occur to you that a telegram on election matters might be a private one?—I should consider it a private telegram, and should pay for it as such.

13. But suppose it was paid for by the public, does that necessarily make a private telegram public property?—If a person sends a private telegram at the expense of the public he commits a fraud on the public.

14. Might a private telegram not be sent at the public expense unintentionally or by accident?—The system has been carried out to such a great extent that it could not have been unintentional. Either the sender was making use of public money for his own private purposes, or the telegrams were really on public service.

15. I understand your view to be that the unintentional non-payment of a private telegram converts it into a public message?—I hold that anything which is paid for by the public is public property, whatever the contents of it may be—always presuming, of course, that the cost was charged to the public intentionally.

16. Do you not think it would be more just if you still regarded the telegram as a private one, and proceeded against the sender for the amount which it cost? Suppose now that a Minister, in the hurry of sending telegrams, accidentally put the letters "O.P.S.O." on a private telegram on family matters, how would you know whether it was done intentionally or not?—If it related to family matters, I should presume that a mistake had been made; but if it referred to a subject on which