

Dr. Lemon.
18th Nov., 1879.

116. Take the case of a Minister who sends a private telegram as a public message, would it not be the usual course to apply to the sender for payment before making the message public? How long is it after such telegrams are sent that they are challenged?—Generally on the same day.

117. *Mr. Pitt.*] Did I understand you to say that if you were a private company a new set of directors could not demand to see the telegrams sent by their predecessors?—No.

118. But who would pay for these telegrams? Would the directors send their telegrams at the expense of the company?—I suppose so.

119. If the first set of directors were telegraphing on private matters, they would have to pay for them, would they not?—I do not know. They might have certain privileges allowed them.

120. But supposing they sent telegrams on the business of the company, would the succeeding directors have the right to demand the production of those telegrams in order that they might see what their predecessors had done?—They would have to indicate what telegrams they required by stating their contents, &c., before they could see them.

121. Why should not the incoming Ministry see the telegrams sent by their predecessors?—I do not know. Do you think for a moment that if I were leaving a department I should send a telegram which I did not wish my successor to see without paying for it?

122. If the directors of a company sent a telegram at the expense of the company, would their successors in office have a right to see that telegram?—It would depend on what the telegram was about. If it were of a private nature they would not have a right to see it; but if it related to the business of the company a question would arise. I hold that when once we receive a telegram it becomes the property of the department.

123. Are you aware that any private telegrams have been paid for by Ministers after they have been sent as public messages?—Yes.

124. To what amount?—I could not say; but it is a common occurrence.

125. Are you aware that any telegrams sent by Ministers at the public expense have been challenged on the ground that they were private telegrams, and should have been paid for by the senders?—Yes.

126. There was a telegram sent by the Hon. Colonel Whitmore to Mr. Ingles?—Yes; that was sent as a public telegram, and paid for afterwards.

127. Was any fine inflicted on that occasion?—No.

128. *Mr. Montgomery.*] Were you asked by a Minister to show telegrams about electioneering matters?—No; I was not in the office at the time; I was absent on duty.

129. Have you been asked to give any opinion on this subject since you returned to town?—No.

130. You say that when a person applies for a telegram you require him to give a description of it before you will show it to him?—Yes.

131. And you think that rule should apply to Ministers as well as to private individuals?—Yes undoubtedly.

132. If you had been in Wellington, would you have ordered your officers to search for telegrams for Ministers?—No; I would not have taken the responsibility.

133. Do you consider that you should act in accordance with the law, or on the direction of a Minister, when you know that the directions of a Minister are contrary to law?—I should obey the instructions of the Minister, and let him take the responsibility.

134. During your absence from the office, do you instruct your subordinates to obey the directions of Ministers?—No; but they always do so.

135. Do you consider that telegrams should be secret communications as far as the Telegraph Department is concerned?—Yes.

136. And you would not sanction the giving up of any telegram except to the sender or the receiver?—No. I may inform you that in the case of the Longford Elections Petitions some years ago in Ireland, when a private company was called upon to produce certain telegrams, a bundle was brought into Court, and the Judge ruled that they could not be produced.

137. If you had been called upon to produce these telegrams, would you have considered that the law of the land was not sufficient authority for you to do so?—Yes.

138. *Mr. Pitt.*] Are you aware that the Attorney-General has concurred in the opinion given by the Solicitor-General?—I know that several lawyers differ from the opinion of the Solicitor-General. I am not aware that the Attorney-General has expressed an opinion.

139. *Mr. Wakefield.*] You say you do not keep accounts with anybody for private telegrams?—Only from day to day.

140. But is it not a fact that Ministers frequently have what virtually amounts to an open account with the Government?—I am not aware of it.

141. A Minister stated the other day that he had an account with the department, and that he paid from time to time by cheque, so that there seems to have been some system of account-keeping in existence?—We keep no books of account whatever.

142. *Mr. Bowen.*] Would it be contrary to your instructions if an officer of the department kept an account with Ministers?—Yes; and the clerk would be responsible for the cost of the telegrams sent.

143. *Hon. Mr. Gisborne.*] Have you seen the written opinion of the Attorney-General?—No.

144. *The Chairman.*] You say it has been the practice, for years past, to transmit telegraphic memoranda from one Minister to another free of cost, and that copies of those memoranda have not been kept?—Yes.

145. Do you know whether these memoranda were on electioneering business?—I cannot say.

146. Such communications may have been sent to any extent?—Yes, possibly.

147. *Hon. Mr. Gisborne.*] In the case of a company, if a new set of directors believed that their predecessors had been sending private messages at the expense of the company, would they have a right to demand the production of those messages?—I do not think so.

148. *Mr. Wakefield.*] Do you mean that the directors would not be entitled to see the telegrams for which the company had paid?—Not unless they could inform us what the telegrams were about.