

SESS. II.—1879.  
NEW ZEALAND.

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## ELECTION TELEGRAMS INQUIRY COMMITTEE

(REPORT OF, TOGETHER WITH MINUTES OF PROCEEDINGS AND EVIDENCE, AND APPENDIX).

*Brought up 4th December, and ordered to be printed 5th December, 1879.*

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### ORDERS OF REFERENCE.

*Extracts from the Journals of the House of Representatives.*

THURSDAY, THE 13TH DAY OF NOVEMBER, 1879.

*Ordered*, "That the papers presented to the House this day, alleged to be copies of certain telegrams concerning the late elections, be referred to a Select Committee, to report to the House whether or not the production of such papers is contrary to law; and to ascertain the total number of telegrams on electioneering matters sent or received by members of the late Government at the public cost. The Committee to have power to call for persons and papers; three to be a quorum, and to report within ten days. The Committee to consist of Mr. Montgomery, Mr. Saunders, Mr. Turnbull, Mr. Wakefield, Hon. Mr. Gisborne, Mr. Pitt, Mr. Bowen, and the Mover."—(*Mr. Macandrew.*)

FRIDAY, THE 21ST DAY OF NOVEMBER, 1879.

*Ordered*, "That an extension of time for ten days be granted to the Election Telegrams Inquiry Committee to bring up its report."—(*Mr. Macandrew.*)

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### REPORT.

THE Select Committee to whom was referred the question whether the production of papers presented to the House on 13th November, alleged to be copies of certain telegrams concerning the late election, was contrary to law, and to ascertain the total number of telegrams on electioneering matters sent or received by members of the late Government at the public cost, have the honor to report as follows:—

That the copies of telegrams referred to in the order of reference were produced in accordance with the law, with the exception of two, which were included by the mistake of a Telegraph clerk, and which have been separated from the others without having been examined by the Committee.

That five others have been ascertained by the Committee to have been sent originally as private telegrams, though forwarded on to Ministers from place to place, without the knowledge of the sender, as Government telegrams, and the Committee have had these also separated from the rest, without examining them.

That the number of electioneering telegrams sent at the public expense by Ministers was fifty-five, and to Ministers twenty-one, or seventy-six in all.

4th December, 1879.

J. MACANDREW,  
Chairman.

*Memorandum to accompany the Report of the Election Telegrams Inquiry Committee.*

It is the unanimous opinion of the Committee that the seven telegrams sealed up should not again be laid upon the table of the House.

4th December, 1879.

J. MACANDREW,  
Chairman.

## MINUTES OF PROCEEDINGS.

MONDAY, 17TH NOVEMBER, 1879.

The Committee met pursuant to notice.

*Present*: Mr. Bowen, Hon. Mr. Gisborne, Mr. Macandrew, Mr. Montgomery, Mr. Pitt, Mr. Saunders, Mr. Turnbull, Mr. Wakefield.

The order of reference, dated 13th November, was read.

Moved by Mr. Macandrew, That Mr. Bowen do take the chair.

And the question being put, the Committee divided, and the names were taken down as follow:—

*Ayes*, 3.—Hon. Mr. Gisborne, Mr. Macandrew, Mr. Montgomery.

*Noes*, 5.—Mr. Bowen, Mr. Pitt, Mr. Saunders, Mr. Turnbull, Mr. Wakefield.

So it passed in the negative.

Moved by Mr. Bowen, That Mr. Macandrew do take the chair.

And the question being put, the Committee divided, and the names were taken down as follow:—

*Ayes*, 5.—Mr. Bowen, Hon. Mr. Gisborne, Mr. Pitt, Mr. Saunders, Mr. Wakefield.

*Noes*, 3.—Mr. Macandrew, Mr. Montgomery, Mr. Turnbull.

So it passed in the affirmative, and Mr. Macandrew took the chair.

Major F. E. Campbell, Clerk to the House of Representatives, attended, and handed in certain documents.

*Resolved*, on the motion of Mr. Montgomery, That these papers remain in the custody of the Chairman until the next meeting of the Committee.

It was understood that the members of the Committee should observe secrecy, and that the clerk be instructed to keep secret all matters before the Committee.

*Resolved*, on the motion of the Hon. Mr. Gisborne, That Dr. Lemon, Mr. A. T. Maginnity, and the Hon. J. Hall be summoned to attend as witnesses at the next meeting of the Committee.

The Committee then adjourned till 10.30 a.m. to-morrow, 18th November.

TUESDAY, 18TH NOVEMBER, 1879.

The Committee met pursuant to notice.

*Present*: Mr. Bowen, Hon. Mr. Gisborne, Mr. Macandrew (Chairman), Mr. Montgomery, Mr. Pitt, Mr. Saunders, Mr. Turnbull, Mr. Wakefield.

The minutes of the previous meeting were read and confirmed.

Memoranda of Mr. Maginnity, Assistant Secretary, Telegraph Department, and the Premier, forwarded by the Hon. the Speaker, were laid before the Committee by the Chairman. (*Vide* Appendix A.)

A shorthand reporter was in attendance, and was warned to observe secrecy.

The Hon. J. Hall, the Premier, attended, and, being duly sworn, gave evidence, and handed in two documents (included in evidence). (*Vide* Minutes of Evidence.)

Dr. Lemon, General Manager of the Telegraph Department, attended, and, being duly sworn, gave evidence. (*Vide* Minutes of Evidence.)

*Resolved*, That Mr. Sheehan, M.H.R., and Mr. A. T. Maginnity be summoned to attend as witnesses at the next meeting.

The Committee adjourned till 10.30 a.m. to-morrow.

WEDNESDAY, 19TH NOVEMBER, 1879.

The Committee met pursuant to notice.

*Present*: Mr. Bowen, Hon. Mr. Gisborne, Mr. Macandrew (Chairman), Mr. Montgomery, Mr. Pitt, Mr. Saunders, Mr. Turnbull, Mr. Wakefield.

The minutes of the previous meeting were read and confirmed.

A shorthand writer was in attendance, and enjoined to observe secrecy.

Mr. A. T. Maginnity, Assistant Secretary, Telegraph Department, attended, and, being duly sworn, gave evidence. (*Vide* Minutes of Evidence.) The witness withdrew temporarily, and the Committee deliberated.

*Resolved*, on the motion of Mr. Saunders, That Mr. Maginnity be directed to point out which were originally despatched as private telegrams, and to withdraw them with a view to their being sealed up and eliminated from the inquiry.

This was done.

The witness withdrew.

Mr. John Sheehan, M.H.R., attended, and was duly sworn, but his examination was postponed.

*Resolved*, That the documents laid before the Committee by Major Campbell, excepting those eliminated, be read.

The documents were read accordingly, and proved to be copies of telegrams, as follow :—

Date.	Sender.	To Whom Sent.
1 August, 1879	Sir George Grey	R. Wakelin, Esq., Greytown.
14 " "	Colonel Whitmore, W. Thomson, G. Grey, J. T. Fisher, J. Mac- andrew, J. Sheehan	J. Buchanan, Esq., Napier.
9 " "	J. T. Fisher	Colonel Whitmore, Wellington.
1 " "	John Sheehan	Mr. H. W. Tizard, Auckland.
2 " "	"	H. Palmer, Esq., Auckland.
2 " "	"	W. Pilliett, Esq., Christchurch.
9 " "	"	W. H. Grace, Cambridge.
16 " "	"	Alexandra.
19 " "	"	G. V. Shannon, Wellington.
23 " "	"	Colonel Whitmore, Wellington.
18 September, " "	"	E. T. Dufaur, Esq., Auckland.
No date	Colonel Whitmore	Hon. J. Ballance, Wanganui.
13 August, " "	"	"
15 " "	"	Major Porter, Gisborne.
23 " "	"	Hon. J. Ballance, Wanganui.
23 " "	"	H. Ingles, Esq., Kaikoura.
24 " "	"	Major Porter, Gisborne.
25 " "	"	Sir George Grey, K.C.B. Christchurch.
25 " "	"	H. A. Ingles, Esq., Kaikoura.
26 " "	"	"
28 " "	"	J. D. Ormond, Esq., Napier.
28 " "	"	Hon. J. N. Wilson, Napier.
28 " "	"	"
2 September, " "	"	Hon. J. Sheehan, Grahamstown.
2 " "	"	Hon. Sir George Grey, Manukau.
3 " "	"	Auckland.
4 " "	"	"
5 " "	"	Hon. J. Fisher, Christchurch.
5 " "	"	Hon. W. Robinson, Christchurch.
5 " "	"	Hon. J. N. Wilson, Napier.
6 " "	"	Hon. Sir George Grey, Christchurch.
6 " "	"	Hon. J. Macandrew, Dunedin.
No date	"	Messrs. Reid and Seddon, Hokitika.
6 September, " "	"	A. McDonald, Esq., Gisborne.
6 " "	"	Hon. Sir George Grey, Christchurch.
6 " "	"	H. A. Ingles, Esq., Waiiau.
7 " "	"	Hon. J. N. Wilson, Napier.
12 " "	"	Hon. J. Sheehan, Wellington.
6 August, " "	R. T. Bush, R.M.	"
30 July, " "	W. H. Grace	"
30 " "	"	"
15 August, " "	Robert Stout	"
15 " "	A. McDonald	"
13 " "	J. Ballance	Colonel Whitmore, Wellington.
4 " "	John King	Hon. J. Sheehan, Wellington.
12 " "	J. C. Young	Native Minister, Wellington.
*21 September, " "	J. Ballance	Hon. J. Sheehan.
†17 September, " "	J. B. Fisher	Hon. Sir G. Grey, Wellington.

\* Eliminated, 20th November, 1879. (*Vote minutes.*) † Added, 20th November, 1879. (*Vote minutes.*)

*Resolved*, That Mr. A. T. Maginnity and Mr. J. Sheehan, M.H.R., be summoned to attend as witnesses at the next meeting.

The Committee then adjourned till 10.30 a.m. to-morrow.

#### THURSDAY, 20TH NOVEMBER, 1879.

The Committee met pursuant to notice.

*Present*: Mr. Bowen, Hon. Mr. Gisborne, Mr. Macandrew (Chairman), Mr. Montgomery, Mr. Saunders, Mr. Turnbull, Mr. Pitt, Mr. Wakefield.

The minutes of the previous meeting were read and confirmed.

A shorthand reporter was in attendance.

Mr. A. T. Maginnity, Assistant Secretary, Telegraph Department, attended and gave evidence, and having stated in evidence that the telegram from Mr. J. B. Fisher to Sir George Grey, dated 17th September, 1879, was a public one and not paid for, it was read and added to the list of telegrams read yesterday.

*Resolved*, on the motion of Mr. Montgomery, That the telegram from J. Ballance to Hon. J. Sheehan, dated 21st September, 1879, be eliminated from the inquiry.

*Resolved*, on the motion of Mr. Wakefield, That Mr. Maginnity be instructed to furnish the Committee with copies of all telegrams on electioneering matters in the late general election sent or received by members of the late Government at the public cost.

Mr. Sheehan, M.H.R., attended and inspected the originals of his telegrams produced by Mr. Maginnity.

*Resolved*, on the motion of Mr. Wakefield, That the Chairman ask the House for a week's extension of time for bringing up the report.

*Resolved*, That Mr. Sheehan, M.H.R., and Mr. A. T. Maginnity be summoned to attend as witnesses at the next meeting of the Committee.

The Committee then adjourned till 10.30 a.m. on Monday, 24th November.

MONDAY, 24TH NOVEMBER, 1879.

The Committee met pursuant to notice.

*Present*: Mr. Bowen, Hon. Mr. Gisborne, Mr. Macandrew (Chairman), Mr. Montgomery, Mr. Pitt, Mr. Saunders, Mr. Turnbull, Mr. Wakefield.

The minutes of the previous meeting were read and confirmed.

Order of reference of the 21st November, extending the time for bringing up the report, was read. Mr. A. T. Maginnity, Assistant Secretary, Telegraph Department, attended, and produced copies of telegrams as follows, in accordance with resolution of the Committee at its last meeting:—

Date.	Sender.	To Whom Sent.
23 August, 1879	W. H. Grace	Hon. J. Sheehan.
15 "	"	"
30 "	Colonel Whitmore	Sir G. Grey.
16 "	A. A. F. Allan, N.A.	W. H. Grace.
20 "	J. Sheehan	T. W. Lewis.
20 "	"	Sir G. Grey (42).
20 "	"	(43).
28 "	J. Grimmond	Hon. J. Macandrew.
28 "	Sir G. Grey	Colonel Whitmore.
19 "	Colonel Whitmore	Sir G. Grey.
20 "	— Bush, R.M.	Hon. J. Sheehan.
16 "	F. McGuire	Hon. J. Macandrew.
30 "	W. H. Grace	Hon. J. Sheehan.
21 "	J. Sheehan	Sir G. Grey.
24 "	A. Warbrick	Hon. J. Sheehan.
21 "	J. Sheehan	Sir G. Grey.
14 "	W. H. Grace	Hon. J. Sheehan.
27 "	Sir G. Grey	Colonel Whitmore.
18 "	J. Ballance	Hon. J. Macandrew.
"	"	"
1 September, "	W. H. Grace	Hon. J. Sheehan.
3 "	Sir G. Grey	"
3 "	"	W. McCullough.
3 "	"	Messrs. Ehrenfried and Douglas.
3 "	J. Sheehan	J. S. Shanks.
11 "	Colonel Whitmore	Sir G. Grey.
11 "	"	Hon. J. Sheehan.
9 "	Sir G. Grey	Colonel Whitmore.
9 "	"	F. McCarthy.
10 "	Colonel Whitmore	Hon. J. Sheehan.

In reply to a question by the Hon. Mr. Gisborne, Mr. Maginnity stated that the copies produced were taken from the originals, and that none of these telegrams had been paid for. He also stated that their money value was £14 16s. 3d.

Mr. Maginnity then withdrew.

The above copies of telegrams were read by the Chairman to the Committee.

The Chairman withdrew, and the chair was taken by Mr. Pitt.

Mr. Maginnity was recalled and examined, his evidence being taken down by a shorthand reporter. (*Vide Minutes of Evidence.*)

*Resolved*, That Sir George Grey, K.C.B., Hon. Colonel Whitmore, and Mr. Sheehan be summoned as witnesses at the next meeting of the Committee.

The Committee then adjourned till 10.30 a.m. to-morrow.

TUESDAY, 25TH NOVEMBER, 1879.

The Committee met pursuant to notice.

*Present*: Mr. Bowen, Hon. Mr. Gisborne, Mr. Macandrew (Chairman), Mr. Montgomery, Mr. Turnbull, Mr. Saunders, Mr. Wakefield.

The minutes of the previous meeting were read and confirmed.

Sir George Grey, K.C.B., attended the Committee, and, being duly sworn, gave evidence, which was taken down by a shorthand writer. (*Vide Minutes of Evidence.*)

The Hon. G. S. Whitmore was in attendance, and was duly sworn. Copies of his telegrams were handed him for inspection. He then gave evidence. (*Vide Minutes of Evidence.*)

The Chairman withdrew, and the chair was taken by Mr. Montgomery.

*Resolved*, That Mr. Sheehan, M.H.R., Mr. Fox, Mr. Maunsell, Mr. Mitchell, Dr. Lemon, and Mr. Maginnity be summoned to attend as witnesses at the next meeting of the Committee.

On the motion of Mr. Bowen, the Committee adjourned till 10.30 a.m. to-morrow.

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WEDNESDAY, 26TH NOVEMBER, 1879.

The Committee met pursuant to notice.

*Present*: Mr. Bowen, Hon. Mr. Gisborne, Mr. Macandrew (Chairman), Mr. Montgomery, Mr. Pitt, Mr. Saunders, Mr. Turnbull, Mr. Wakefield.

The minutes of the previous meeting were read and confirmed.

The Hon. Colonel Whitmore attended, and wished to correct his evidence given yesterday, when he stated he believed that his telegram to Mr. H. Ingles, dated 23rd August, had been paid for. He had since ascertained that it had not been paid for.

Mr. C. O. Montrose, shorthand reporter, attended, and was enjoined to observe secrecy.

Mr. J. Sheehan, M.H.R., attended and gave evidence. (*Vide Minutes of Evidence.*)

Mr. D. C. Maunsell, late Private Secretary to Colonel Whitmore, sworn and examined. (*Vide Minutes of Evidence.*)

Mr. E. Fox, late Private Secretary to Sir George Grey, sworn and examined. (*Vide Minutes of Evidence.*)

Mr. W. Mitchell, late shorthand writer to Sir George Grey, sworn and examined. (*Vide Minutes of Evidence.*)

Dr. Lemon, General Manager, Telegraph Department, attended and gave evidence. (*Vide Minutes of Evidence.*)

Mr. A. T. Maginnity, Assistant Secretary, Telegraph Department, attended and gave evidence. (*Vide Minutes of Evidence.*) He was directed to furnish the Committee with the cost of the fifty-six telegrams sent and twenty-one received.

Mr. H. D. Johnson, late Private Secretary to Mr. Sheehan, sworn and examined. (*Vide Minutes of Evidence.*)

Mr. W. Berry, Clerk in the Native Office, sworn and examined. (*Vide Minutes of Evidence.*)

The Committee then adjourned till 10.30 a.m. on Friday next, the 28th November.

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FRIDAY, 28TH NOVEMBER, 1879.

The Committee met pursuant to notice.

*Present*: Mr. Bowen, Hon. Mr. Gisborne, Mr. Macandrew (Chairman), Mr. Montgomery, Mr. Pitt, Mr. Saunders, Mr. Turnbull, Mr. Wakefield.

The minutes of the previous meeting were read and confirmed.

Mr. Sheehan, M.H.R., and Mr. Maginnity were in attendance.

Mr. Maginnity produced certain originals of telegrams, and gave evidence. (*Vide Minutes of Evidence.*)

The Committee deliberated.

*Resolved*, on the motion of Mr. Bowen, That the Committee adjourn till 10.30 a.m. on Wednesday, the 3rd December next.

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WEDNESDAY, 3RD DECEMBER, 1879.

The Committee met pursuant to notice.

*Present*: Mr. Bowen, Hon. Mr. Gisborne, Mr. Macandrew (Chairman), Mr. Montgomery, Mr. Pitt, Mr. Saunders, Mr. Turnbull, Mr. Wakefield.

The minutes of the previous meeting were read and confirmed.

The Committee proceeded to consider the report.

The Hon. Mr. Gisborne moved the following resolution:—

That the mere fact of a private telegram being wrongly franked or sent as a public telegram does not destroy its original privacy, and that the course to be pursued in that case should be to require the person who wrongly franked or sent such telegram to pay for its transmission, in addition to a fine in respect thereof.

That accordingly, in the opinion of the Committee, the production of all the telegrams in question was in violation of the law.

And the question being put, the Committee divided, and the names were taken down as follow:—

*Ayes*, 3.—Hon. Mr. Gisborne, Mr. Montgomery, Mr. Turnbull.

*Noes*, 4.—Mr. Bowen, Mr. Pitt, Mr. Saunders, Mr. Wakefield.

So the resolution was negatived.

Mr. Montgomery moved the following resolution:—

That five telegrams among those laid on the table of the House and handed to the Committee were forwarded by private individuals, and paid for before transmission, and were therefore produced in violation of the law.

And the question being put, the Committee divided, and the names were taken down as follow :—

*Ayes*, 3.—Hon. Mr. Gisborne, Mr. Montgomery, Mr. Turnbull.

*Noes*, 4.—Mr. Bowen, Mr. Pitt, Mr. Saunders, Mr. Wakefield.

So the resolution was negatived.

Mr. Montgomery moved that the following shall appear in the report :—

1. That the Committee is of opinion that the seven telegrams paid for by private individuals before transmission were produced contrary to law.

That Dr. Lemon, the Manager of Telegraphs, stated in evidence that he was of opinion that the production of the telegrams was in violation of the law. The opinion of the Law Officers of the colony is that the law was not violated by the Minister ordering the officials at the Telegraph Office to search for and produce telegrams paid for at the public cost.

2. The Committee would wish to draw the attention of the House to that portion of the evidence of Dr. Lemon and Mr. Maginnity, in which they state that they would disregard the provision of the law if they received directions from the Commissioner of Telegraphs (the Minister for the time being) to search for and produce telegrams, as they consider he is their superior officer, and would be responsible.

3. That the number of telegrams sent and received by the members of the late Government on electioneering matters transmitted at the public expense was seventy-six: of these, twenty-six telegrams were from Ministers to Ministers, thirty-one were from Ministers to private individuals or to officers of the Government, nineteen were from private individuals or Government officers to Ministers.

4. That the evidence shows the members of the late Ministry who forwarded the telegrams laid before the Committee gave their private secretaries instructions to pay such telegrams as the secretaries considered private telegrams.

The paragraphs of the above motion were then considered *seriatim*.

Paragraph 1. On the question being put, That this paragraph be inserted in the report, the Committee divided, and the names were taken down as follow :—

*Ayes*, 3.—Hon. Mr. Gisborne, Mr. Montgomery, Mr. Turnbull.

*Noes*, 4.—Mr. Bowen, Mr. Pitt, Mr. Saunders, Mr. Wakefield.

So it passed in the negative.

Paragraph 2. On the question being put, That this paragraph be inserted in the report, the Committee divided, and the names were taken down as follow :—

*Ayes*, 3.—Hon. Mr. Gisborne, Mr. Montgomery, Mr. Turnbull.

*Noes*, 4.—Mr. Bowen, Mr. Pitt, Mr. Saunders, Mr. Wakefield.

So it passed in the negative.

Paragraph 3. On the question being put, That this paragraph be inserted in the report, the Committee divided, and the names were taken down as follow :—

*Ayes*, 3.—Hon. Mr. Gisborne, Mr. Montgomery, Mr. Turnbull.

*Noes*, 4.—Mr. Bowen, Mr. Pitt, Mr. Saunders, Mr. Wakefield.

So it passed in the negative.

Paragraph 4. On the question being put, That this paragraph be inserted in the report, the Committee divided, and the names were taken down as follow :—

*Ayes*, 3.—Hon. Mr. Gisborne, Mr. Montgomery, Mr. Turnbull.

*Noes*, 4.—Mr. Bowen, Mr. Pitt, Mr. Saunders, Mr. Wakefield.

So it passed in the negative.

Mr. Wakefield moved that the following be the report :—

1. That the copies of telegrams referred to in the order of reference were produced in accordance with the law, with the exception of two, which were included by the mistake of a Telegraph clerk, and which have been separated from the others without having been examined by the Committee.

2. That five others have been ascertained by the Committee to have been sent originally as private telegrams, though forwarded on to Ministers from place to place without the knowledge of the sender as Government telegrams, and the Committee have had these also separated from the rest without examining them.

3. That the number of electioneering telegrams sent at the public expense by Ministers was fifty-five, and to Ministers twenty-one, or seventy-six in all.

The Hon. Mr. Gisborne moved the following amendment, That, in the first paragraph, the word "two" be struck out and the word "seven" entered in lieu thereof.

And the question being put, the Committee divided, and the names were taken down as follow :—

*Ayes*, 3.—Hon. Mr. Gisborne, Mr. Montgomery, Mr. Turnbull.

*Noes*, 4.—Mr. Bowen, Mr. Pitt, Mr. Saunders, Mr. Wakefield.

So the amendment was negatived.

Mr. Turnbull moved the following amendment, That the words, "without having been examined by the Committee," in the first paragraph, be struck out.

And the question being put, "That these words be omitted," the Committee divided, and the names were taken down as follow :—

*Ayes*, 2.—Mr. Montgomery, Mr. Turnbull.

*Noes*, 5.—Mr. Bowen, Hon. Mr. Gisborne, Mr. Pitt, Mr. Saunders, Mr. Wakefield.

So the amendment was negatived.

Mr. Turnbull moved the following amendment, That the total value of said messages, amounting to £36 8s. 10d., as per memorandum from Mr. Maginnity (*vide* Appendix B), be added to the report.

And the question being put, "That the value be added," the Committee divided, and the names were taken down as follow :—

*Ayes*, 3.—Hon. Mr. Gisborne, Mr. Montgomery, Mr. Turnbull.

*Noes*, 4.—Mr. Bowen, Mr. Pitt, Mr. Saunders, Mr. Wakefield.

So the amendment was negatived.

Mr. Wakefield moved, That the report as proposed be adopted, and the question being put, the Committee divided, and the names were taken down as follow:—

*Ayes*, 4.—Mr. Bowen, Mr. Pitt, Mr. Saunders, Mr. Wakefield.

*Noes*, 3.—Hon. Mr. Gisborne, Mr. Montgomery, Mr. Turnbull.

So it was resolved in the affirmative.

*Resolved*, That the copies of telegrams referred to in the order of reference were produced in accordance with the law, with the exception of two, which were included by the mistake of a Telegraph clerk, and which have been separated from the others without having been examined by the Committee.

That five others have been ascertained by the Committee to have been sent originally as private telegrams, though forwarded on to Ministers from place to place, without the knowledge of the sender, as Government telegrams, and the Committee have had these also separated from the rest, without examining them.

That the number of electioneering telegrams sent at the public expense by Ministers was fifty-five, and to Ministers twenty-one, or seventy-six in all.

*Ordered*, to be recorded, That it is the unanimous opinion of the Committee that the seven telegrams sealed up should not again be laid upon the table of the House, and that this opinion be added to the report.

A discussion ensued regarding the extent to which it was permissible for witnesses to correct or alter the evidence given by them through a shorthand reporter.

*Resolved*, on motion of Mr. Pitt, That the shorthand reporter's notes of the Hon. Colonel Whitmore's and Mr. Maunsell's evidence, be recorded as the evidence given by them before the Committee.

The Committee then adjourned.

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THURSDAY, 4TH DECEMBER, 1879.

The Committee met pursuant to notice.

*Present*: Mr. Bowen, Hon. Mr. Gisborne, Mr. J. Macandrew (Chairman), Mr. Montgomery, Mr. Saunders, Mr. Turnbull, Mr. Wakefield.

The minutes of the previous meeting were read and confirmed.

The draft report and memorandum attached thereto, to be presented to the House, were also read and confirmed, as follows:—

The Select Committee to whom was referred the question whether the production of papers presented to the House on 13th November, alleged to be copies of certain telegrams concerning the late election, was contrary to law, and to ascertain the total number of telegrams on electioneering matters sent or received by members of the late Government at the public cost, have the honor to report as follows:—

That the copies of telegrams referred to in the order of reference were produced in accordance with the law, with the exception of two, which were included by the mistake of a Telegraph clerk, and which have been separated from the others without having been examined by the Committee.

That five others have been ascertained by the Committee to have been sent originally as private telegrams, though forwarded on to Ministers from place to place, without the knowledge of the sender, as Government telegrams, and the Committee have had these also separated from the rest, without examining them.

That the number of electioneering telegrams sent at the public expense by Ministers was fifty-five, and to Ministers twenty-one, or seventy-six in all.

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*Memorandum to accompany the Report of the Election Telegrams Inquiry Committee.*

It is the unanimous opinion of the Committee that the seven telegrams sealed up should not again be laid upon the table of the House.

*Resolved*, That the copies of telegrams produced by Mr. Maginnity, Assistant Secretary, Telegraph Department, on 24th November, be sealed up and returned to that officer.

This was done.

The Committee adjourned *sine die*.

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## MINUTES OF EVIDENCE.

TUESDAY, 18TH NOVEMBER, 1879.

The Hon. JOHN HALL, Premier, sworn and examined.

*Hon. J. Hall.*  
18th Nov., 1879.

1. *The Chairman.*] Your name is John Hall?—Yes. Before I answer any further questions I wish to say that I have been threatened after a fashion with legal proceedings. Am I to understand that I shall not be held liable for any evidence I may give to the Committee now?

2. Yes, certainly. You are acting Commissioner of Telegraphs?—Yes.

3. *Mr. Saunders.*] What was the nature of the instructions which you gave to the officers of the Telegraph Department in connection with the production of these telegrams?—When the Government came into office I asked the General Manager of the Telegraph Department to report to me whether the late Government had used the telegraph for electioneering purposes at the public cost. He sent a memorandum, which I now hold in my hand, to the Solicitor-General. The General Manager seems to have somewhat misapprehended my instructions. The memorandum is as follows:—

“Memorandum for Solicitor-General.—The Hon. the Premier has requested Mr. Maginnity to look through all Government telegrams for August and September, 1879, sent from Wellington, to see if any telegrams sent on the public service contain matter relating to the recent elections. The Hon. the Premier has informed Mr. Maginnity that, as Telegraph Commissioner, he has the right of looking through all Government telegrams. Please give me your opinion hereon.—C. LEMON, General Manager.—15th October, 1879.”

The following is the Solicitor-General's opinion, which was given on the 15th October:—

“The General Manager.—I think it is clear that the Telegraph Commissioner would have a right to look through all Government telegrams, although the same may have been sent by a former Ministry. Such telegrams are really the property of the country, and an incoming Ministry would have a right to inspect them. Care should of course be taken that none but Government telegrams are seen. This opinion only has reference to the legal right, not to its mode of exercise.—W. S. REID.—15th October, 1879.”

Dr. Lemon minutes this as follows: “Mr. Maginnity.—The Solicitor-General's opinion herewith. I entirely disagree with it.—C. LEMON, G.M.—15/10/79.” That paper was sent to me, and then I indorsed the following memorandum:—

“Dr. Lemon has misunderstood me. I never had any wish to inspect any Government telegrams, although there is no doubt they are just as much public property as any file of Government papers. All I desire to know is whether any Government telegrams have been sent on electioneering business. It will be sufficient for my purpose if I am informed that one such telegram has been sent. I do not want to see it or to push the inquiry further than that.—J. HALL.”

Subsequently, in the House of Representatives, Mr. Saunders asked the Government whether they would produce any Government telegrams which had been sent on electioneering business at the public expense, and the Government promised to do so. Accordingly I sent the following memorandum to Mr. Maginnity, who, in the absence of Dr. Lemon, was in charge of the Telegraph Department:—

“Mr. Maginnity.—To enable me to comply with the promise made in the House, I shall be glad if you will have the Government telegrams on electioneering for August and September selected and sent up for inspection.—J. HALL.”

“Telegrams handed to Hon. Mr. Hall.—A. T. M.—4/11/79.”

Upon that, certain telegrams were sent to me, and I then instructed the officers of the department to forward to me all telegrams which had been sent to the Government on electioneering matters at the expense of the public. I was desirous that none but telegrams referring to election matters should be produced, and therefore when I got the telegrams I went through them, and threw out several which did not appear to me to relate strictly to electioneering matters. I may be allowed to say, with regard to the telegrams which were sent to the Government, that it appeared to me that, as they were sent at the expense of the public, it might be assumed that they were public property. I may also add that I have consulted the Attorney-General, and that he concurs in the opinion expressed by the Solicitor-General—that is to say, he considers that any telegram sent at the public expense is public property. Subsequently, on it being stated in the House that some of these telegrams had been paid for, I caused inquiries to be made, and I found that the whole of them had reached Wellington as Government telegrams, and there was nothing on the face of the telegrams to raise any doubt in my mind or in the minds of any of the officers of the Telegraph Department that these were not ordinary Government telegrams. But, on tracing them back to the place at which they originated, it was found, as stated in the report which has been laid before the Committee, that in two instances the telegrams had been paid for, but that, owing to a blunder of the operator, they had been sent on as Government messages. In four other instances telegrams had been paid for in the ordinary way as private telegrams, but, as they were addressed to Ministers at places which those Ministers had left before the messages arrived, they had been forwarded on as Government messages. If I had been acquainted with these circumstances previously, I should not have laid them on the table of the House, and I have suggested to the Speaker that they should be allowed to be withdrawn without even being looked at. I believe one of these telegrams is addressed to Mr. Gisborne. I should like to be allowed to add a short statement with regard to a telegram which Mr. Sheehan states that he sent as a private message from Napier. I instructed the department to inform me as to the exact facts of this case, and it appears that the



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:—

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"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

*Hon. J. Hall.* Ministers had been in the habit of sending telegrams at the public cost, I should presume that it was intentional.

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17. Supposing an officer in one of the Government departments, who is authorized to frank letters and telegrams, sends a private telegram at the public expense, is it not the practice of the department to refer the matter to the Telegraph Commissioner, who decides whether the message shall be paid for or not?—Yes; he is allowed the opportunity of paying if he has made a mistake.

18. Why should not a Minister be treated in the same way?—With regard to these particular telegrams I suppose there was no doubt in the minds of the officers of the department that they were public telegrams.

19. Why do you draw a line of distinction between a Minister and an officer of the Government—that is to say, why should an officer of the Government have the opportunity of paying for his telegram, while a Minister of the Crown is debarred from so doing?—I do not draw that line of distinction. I said that in these cases no doubt appears to have arisen as to these being public telegrams.

20. Why did not you follow the usual course in such cases—namely, when you found certain telegrams sent at the public expense when they should have been paid for as private messages—why did you not follow the usage of the department and give the transmitters an opportunity of paying for them before you made them public property?—I can only repeat that I did not consider these private telegrams. I considered that they were public telegrams because they, to a certain extent, dealt with public matters, and were paid for by the public.

21. But that is not the usual course?—Not when they are of an entirely private nature.

22. You say that, if the Commissioner holds that a message sent by a Government officer should not have been sent as a public telegram, the person who sends it is made to pay for it?—Yes.

23. Why was not that course adopted in the case of these private telegrams which were sent by members of the late Ministry?—Because we considered them to be public telegrams, and in any case where there was any doubt in my mind as to their being public telegrams I rejected them, and sent them back to the department. I should have rejected several of these if I had known the circumstances I have previously stated.

24. *Mr. Wakefield.*] You say you took the opinion of the Law Officers as to the propriety of your procuring, or causing to be procured, copies of all telegrams sent by the late Government on electioneering matters at the public expense?—Yes.

25. And that you also instructed the officers of the Telegraph Department to forward to you copies of all telegrams sent to the late Government?—Yes.

26. Did you take the opinion of the Law Officers in regard to those telegrams I have last referred to?—No, not at that time, because it appeared to me to be obvious that there was still stronger proof that they were public telegrams. The senders could not possibly have sent them at the public expense by mistake. I have since taken the opinion of the Attorney-General, and he holds that any telegram which is sent at the public expense is public property.

27. With regard to these telegrams which were sent to Ministers and paid for up to a certain point, and which were afterwards forwarded to another place to which they had gone (at the public expense), I wish to know whether a person, not being a Minister, has a right to have his telegrams sent after him in the same way at the public expense?—Certainly not.

28. So that members of the Ministry are placed in a different position to other people?—Yes, in that respect.

29. That is to say, that telegrams which are sent to a Minister at a certain place are not left lying there for ever, but are at once forwarded on to him at the public expense?—Yes. I may explain that if a private person expected a telegram to be sent to him at a certain place which he was about to leave, and gave instructions that it was to be forwarded to him at another place, it would be forwarded to him, but not at the expense of the Government. The telegrams which were forwarded to Ministers from the place to which they were originally sent were so forwarded in accordance with a general order issued three years ago to the effect that telegrams should follow Ministers until they reached them.

30. A Minister can use his own discretion as to whether he makes a telegram a Government message or not?—Yes; a Minister has the power to decide that.

31. Would the Telegraph Commissioner have the power to refuse to pass a private telegram which had been franked by a Minister as a public message?—Yes, I should think so. The telegram would be sent to him from the telegraph office, and it would be for him to say whether or not it should be paid for by the Minister who sent it.

32. Are such telegrams submitted to the Commissioner before they are sent out?—No; they are transmitted first.

33. It has been suggested that your proper course in regard to these telegrams would have been to call upon the senders to pay for them before you decided upon making them public property. I wish to find out whether that would have been the legal and proper course. Would a new Telegraph Commissioner, months afterwards, have the power to enforce payment for these telegrams?—I do not know.

34. Or could he question the right of Ministers to send telegrams on Government business?—I should think that would be an extraordinary course for him to take. I have never known any case in which it was necessary to enforce payment for telegrams.

35. Suppose one of your colleagues were to send a telegram on any subject whatever, and make it a public message, and you as Commissioner were not satisfied that it should properly be sent at the public expense, have you the power to say to your colleague, "This telegram ought not to be sent at the public expense, and you should not have exercised your power of franking it?" Supposing, further, that you went out of office, and a new Commissioner was appointed, would he have the power to say, "A member of the late Ministry has franked private telegrams as Government messages, and I shall insist on his paying for them?"—I can scarcely say. It is possible that if an officer of the Government sent a private message at the Government expense, and that, if he refused to pay for it after it had been sent, the amount due by him might be stopped out of his salary.

36. You hold that it is for Ministers to say whether a telegram is to be a public or a private one?—Yes; and Ministers seem to have thought they were justified in sending the telegrams now before the Committee as public messages.

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—  
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37. And you produce these telegrams in accordance with a promise given to Mr. Saunders in the House of Representatives, considering, at the same time, that you are justified as Telegraph Commissioner in doing so?—Yes. As a Minister I was justified in doing so. I assumed that they were public property. In replying to Mr. Saunders's question I stated distinctly what the views of the Government were in regard to the subject.

38. *Mr. Pitt.*] If the Premier chose to frank a telegram which was obviously of a private nature, would the Manager of the Telegraph Department have the power to refuse to transmit it?—No; but he might submit it to the Minister afterwards.

39. What power would he have to compel the Minister to pay for it afterwards?—The Colonial Treasurer might be asked to deduct the amount from the Minister's salary.

40. Could the Premier be compelled to pay?—I think not.

41. Are you aware that the telegram from Colonel Whitmore to Mr. Ingles was paid for, or was alleged to be paid for, some time after it was sent?—When the question was brought up in the House, the then Telegraph Commissioner stated that it had not been paid for, but that it would be paid for.

42. Is it not a rule in the Civil Service that if any officer who has the power to frank a telegram makes a mistake—or, rather, breaks the regulations—he is liable to pay a penalty of five shillings in addition to the cost of the telegram?—Yes.

43. Was it before or after you laid these telegrams on the table that you ascertained that they were intended to be private?—Afterwards.

44. *Mr. Montgomery.*] You state that when you came into office you asked the Manager of the Telegraph Department whether any telegrams had been sent by the late Government on electioneering matters at the public expense?—Yes.

45. Why did you ask him that question?—The matter had been discussed openly, and it had been freely stated that the late Government were using the Telegraph Department for their own purposes.

46. Was it for reasons of State that you asked the question?—Certainly. I did not ask to be permitted to see any of the telegrams at that time.

47. You say that you examined the telegrams and threw out a number which you did not think related to electioneering matters?—Yes; I glanced through them.

48. What power had you to do this—did you examine them as a Minister?—Both as a Minister and as Commissioner of Telegraphs. I examined them because I considered them to be just as much public property as any paper I might find on a file in the Government Offices. At the same time I had before me the opinion of the Solicitor-General.

49. Did you act in accordance with a regulation, or under the authority of a statute law, when you examined the telegrams?—I considered that they were the property of the Government, and therefore I examined them.

50. You sent to the telegraph office for them?—Yes; and before laying them on the table I went through them, because I knew that I would be held responsible if any telegrams which did not relate to electioneering matters were laid on the table. As I have already said, I threw out several which I thought did not refer to electioneering matters.

51. *Mr. Bowen.*] What check is there, or is there any check, on the use of the telegraph by the Government for their private purposes?—There is very little check except the fear of an exposure of this kind. The Committee which sent in a report in 1871 deprecated the use of the telegraph by Ministers for electioneering purposes, but that report has proved to be ineffectual as far as stopping the practice is concerned.

52. *The Chairman.*] I understand you to say that there is a great difference between Ministers franking private letters and private telegrams?—I do not say private letters, but letters which they send to each other relating to matters connected with the public service.

53. Have you ever known letters from one Minister to another to be franked, other than those which the public had a right to see?—Yes, certainly. In cases, for instance, where Ministers are discussing questions of policy with each other.

54. *Mr. Turnbull.*] What was the date when the first inquiry was made about these telegrams?—I can scarcely say; but Dr. Lemon's memorandum is dated 15th October.

55. In reference to the four telegrams you have referred to, is there any means of ascertaining whether they were not paid for?—In regard to the four telegrams there was no error made, but there was an error in connection with two of the messages. No doubt they could have been paid for afterwards, but there was nothing on the face of the messages to show that they had been paid for. It appears that, through some mistake on the part of the operator, the telegrams were sent as G.T's. instead of as O.T's.

56. What is the money value of these telegrams?—I cannot say. I may state that, in accordance with the reference to the Committee, I have given orders that further inquiry shall be made with the view of ascertaining what other telegrams have been sent on electioneering matters at the public expense. The telegrams which have been laid before the House are only those which happen to have arrived in or been sent from Wellington, but I am informed that there are others yet to come.

57. One telegram which was sent by Mr. Sheehan is marked "Private wire," and I presume that if the sender had been a private individual he would have had to pay for it?—Yes; the telegram would not have been taken from a private person until he had paid for it.

58. Then why was it different in the case of a Minister?—Because the Minister's signature which was attached to it made it a public telegram.

59. Mr. Sheehan is well known; should not application have been made to him for payment?—Perhaps the matter never came under the notice of the heads of the department. At any rate it was sent as a public telegram.

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60. *Mr. Bowen.*] In your experience as a Minister, have you ever known a Minister to have an account with the department for private telegrams?—When I was Telegraph Commissioner about ten years ago that was not the case, but I cannot say what the system is now in that respect.

61. If you, as a Minister, were sending a telegram on private business, would you send sufficient money to cover the cost with it?—Yes, certainly.

62. *Mr. Wakefield.*] In regard to the telegram which was marked "Private wire," I wish to ask whether those words were put there as an instruction to the department?—I am informed that they were.

*Dr. Lemon.*  
18th Nov., 1879.

Dr. LEMON, General Manager of the Telegraph Department, sworn and examined.

63. *The Chairman.*] What position do you hold in the Telegraph Department?—I am General Manager.

64. I hold in my hand a bundle of copies of telegrams which were laid on the table of the House of Representatives the other day—have you any personal knowledge as to how they were obtained?—No; I was absent from Wellington on duty when they were obtained from the Telegraph Office.

65. Have you received any official report from your subordinate officer on the subject?—No.

66. Then you cannot tell how they were produced, or under whose instructions?—I believe that Mr. Maginnity, who holds the next position to myself in the office, received certain instructions from the Commissioner of Telegraphs.

67. Are you aware whether any of these messages were private ones, paid for by either the transmitter or the receiver?—I have only seen one of the telegrams. There was some discussion in the House about a telegram from Mr. J. B. Fisher, M.H.R., to somebody else, and that is the only one I know anything about.

68. Can you refer the Committee to the law which regulates the production of telegrams for public inspection?—Yes, the Act of 1875. As I read that Act, the Telegraph officers are absolved from future proceedings if they produce telegrams to the order of a Minister.

69. Am I right in supposing that there is no power to compel the production of any telegram except by an order of the House?—Telegrams relating to treason, murder, and other felonies may be produced on the order of the Commissioner; but I do not think that even the House could order the production of telegrams relating to other subjects.

70. Were those telegrams, the copies of which you hold in your hand, produced in accordance with the provisions of the Act?—I am not prepared to answer that question.

71. Can you explain the circumstances under which the department of which you are the head, and for which you are responsible, permitted private telegrams to find their way to the table of the House of Representatives?—The telegram to which I have referred was a private message originally; but the moment I saw it I perceived how it had been turned into a Government telegram. It had been sent to Sir George Grey at Christchurch, but, as he had left that place, the Telegraph officers redirected it to him at another place, and thus the message became a Government telegram.

72. Those are the circumstances under which the telegram was permitted to be exhibited?—A mistake was made; it was a pardonable mistake; but I do not say it was a justifiable one.

73. Who was the officer that gave up these telegrams at the request of the Government?—Mr. Maginnity will give you that information. I was absent at the time when they were given up.

74. Has it not been the practice for some years past to transmit telegraphic memoranda from Ministers without copies being kept, and without any record of the transmission being made?—Yes; that has been the practice ever since 1867.

75. Can you say of your own knowledge whether this system of sending ministerial memoranda has been applied to electioneering purposes?—I could not say. I have no recollection of any memoranda having been sent in connection with elections.

76. Could you produce the originals of these telegrams if you were required to do so?—Yes; they are in the Telegraph Office.

77. Has it not been the custom, when a telegram was addressed to a Minister at a place which he had left, to forward it on to him at the public expense?—Yes.

78. Without reference to its contents?—Yes.

79. And such telegrams would be delivered as public messages?—Yes; we would have no means of getting the extra cost. But it is different in the case of a private person. A commercial traveller, for instance, may have been in half a dozen places, and if he expected a telegram at the first place, and directed it to be sent after him, it would be so sent; but he would have to pay all the charges before he got it.

80. Do not the regulations of your department empower you to raise the question whether or not a telegram sent by a Minister or an officer of the Government is a private one or a public one?—Yes, and I have frequently challenged telegrams. In fact, I have challenged the late Governor's telegrams.

81. Then why was not that regulation enforced in the case of the present telegrams?—I suppose the officers thought the Minister had a right to frank his telegram.

82. Has the department never returned a telegram to a Minister who had sent it, in order that he might be enabled to determine whether it was a public or a private message?—No. I have challenged a telegram which was sent by the Marquis of Normanby, when he was Governor, and His Excellency afterwards paid for it.

83. Did you never challenge any of Mr. Reynolds's telegrams when he was Commissioner of Customs?—I may have done so.

84. *Mr. Turnbull.*] If you had been here, would these telegrams have been given up?—That I could not say. I do not believe the Government have any power legally to force me to produce them.

85. Is there any means of ascertaining whether or not these telegrams had been paid for?—Yes; I could tell in a moment on seeing the original telegram.

86. What is the course pursued when an officer of the Government, who has the power to frank a telegram, sends a private message at the public expense?—He has to pay the cost of the telegram, and the Commissioner can order him to pay five shillings in addition.

87. Are Ministers in the habit of running up accounts with the department for their private telegrams?—No; we keep no such accounts with anybody. Of course it may happen that a Minister or anybody else may owe a few shillings to the counter-clerk, but we have no credit accounts whatever in connection with the department.

88. The officer who received the telegram would be responsible for the money?—Yes.

89. Have you any idea as to the value of these telegrams?—No.

90. *Mr. Bowen.*] Is there any check on Ministers in regard to the transmission of telegrams beyond their own idea as to whether or not a message should be sent as a public or a private one?—No.

91. During the time you have been in charge of the department, has there been any open account with Ministers in regard to their private telegrams?—No; but a Minister may occasionally send down a telegram marked "Private," and we will send it, and next morning the Minister will be called upon for the money, and pay it.

92. A number of telegrams on election matters have gone through—would they be looked upon as public telegrams?—Yes.

93. If a Minister sends a telegram to the office without the money, it is supposed to be a public message?—Yes.

94. Then a telegram which bears the signature of a Minister is a public telegram. I understand that telegrams are challenged sometimes after they are sent?—Yes.

95. Suppose a person who sent a telegram wanted to see it again, has he the power to demand it?—Yes; and if he proved that he was the sender we would supply him with a copy if he required it.

96. Do you regard a Government telegram as the possession of a single Minister or as the possession of the whole Government?—I look at it in this way: Suppose we were a private company, I should consider that the members of the Government were our directors, and as such they could demand the telegrams.

97. You say that a private individual if he asks for his telegram has a right to see it and to get a copy of it. Do you hold that a Government telegram is the property of the Minister who sent it, or the property of the Government as a whole? In other words, has the Government as a whole the right to ask you to produce a telegram sent by an individual member of it?—I think not, because I know of my own knowledge that telegrams are frequently sent on matters of policy which are to a certain extent private telegrams and yet are public messages. The difficulty is where to draw the line.

98. And the line is in the discretion of the individual Minister?—I think so. The fact is that every Government to a certain extent makes use of the telegraph in carrying out their policy.

99. *Mr. Saunders.*] The question put to you by the Chairman with reference to the power to demand the production of telegrams you answered as referring to telegrams generally?—Yes.

100. Do you make any distinction between Government telegrams and private messages?—No; we keep the telegrams merely as records of the department. If the Order in Council allowed us to do so we might destroy the telegrams as soon as we had forwarded them over the wires.

101. Do you not think the authority of the Government would be sufficient to empower you to produce telegrams which were public property, though it would not be sufficient to enable you to produce private telegrams?—I think it would be very foolish on the part of any officer to refuse to obey an order received from the Government, because the Ministers giving the order take the risk.

102. *Hon. Mr. Gisborne.*] If the Government asked an operator to do an illegal thing the operator would not be justified?—I do not know that.

103. When a franked telegram is sent in, is it referred to some officer whose duty it is to decide whether it is a public or a private message?—It only comes under the notice of the counter-clerk.

104. I suppose you have often had cases brought under your notice in which private telegrams have been franked, and in which the officers who franked them have had to pay the costs afterwards?—Yes.

105. Are you aware of any cases in which Ministers have been treated in that way?—Yes; and the Governor has been treated in that way.

106. Do I understand you to say that if a Minister sent a public telegram his successor in office would not have a right to demand the production of that telegram?—Of course a Minister could demand it, but I do not think he could do so legally.

107. Suppose that I, when I was in office, sent a telegram, and after I had left the Government went to the Telegraph Office and asked to see it—and suppose, further, that my successor in office also asked for it at the same time—which of us would be entitled to receive it?—Either yourself or the person to whom you sent it.

108. Have you ever known an instance where a telegram which has been sent by one Minister to another has been asked for by their successors?—No.

109. You say that Ministers often correspond through the telegraph with each other on matters of policy?—Yes.

110. Well, have you ever known any instance in which a new Minister demanded the production of telegrams sent by his predecessor?—No.

111. If a telegram has been sent at the public expense, does that *de facto* make it a public telegram?—It would depend on what the telegram bore on its face. If the counter-clerk thought that a telegram which was sent at the public expense was a private one he would challenge it.

112. And if a telegram is sent at the public expense, and it is decided that it is a private message, the usage of the department is to send it and get the money for it afterwards?—Yes.

113. Have you any means of enforcing the payment?—We have never had any difficulty in connection with the matter.

114. Do you not think it would have been proper for you to apply to the transmitter for the cost of the telegrams before you decided to make them public messages?—No. We generally send doubtful telegrams to the Commissioner, who decides whether they are public or private messages, and whether they are to be paid for by the sender.

115. If the Commissioner decides that a telegram is a private one, is it not the usual course to apply to the sender for payment?—Yes.

*Dr. Lemon.*  
—  
18th Nov., 1879.

*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.

149. *Mr. Bowen.*] Suppose the new directors had reason to believe that one of their predecessors was doing business for another company, and that he had been using their wires, would they have the right to say, "Will you produce any telegrams paid for by our company relating to the business of another company"?—I do not think so. I look upon the Telegraph as being just the same as the Post Office, with this difference, that a letter is conveyed by steamer and a telegram by wire; and, as regards a telegram, I consider that as soon as we have sent it by wire we have done with it.

*Dr. Lemon.*  
18th Nov., 1879.

WEDNESDAY, 19TH NOVEMBER, 1879.

Mr. A. T. MAGINNITY, Assistant Secretary, Telegraph Department, sworn and examined.

*Mr. Maginnity.*  
19th Nov., 1879.

150. *The Chairman.*] What position, Mr. Maginnity, do you hold in the Telegraph Department?—I am Assistant Secretary.

151. To whom are you responsible?—To the Telegraph Commissioner, I assume.

152. Directly to him?—Yes.

153. There is no intervening officer?—None.

154. *Hon. Mr. Gisborne.*] But you yourself are Assistant Secretary. Have you not as Assistant Secretary an intervening officer. Does not the term assistant imply an intervening officer?—I will explain. Dr. Lemon is General Manager. The duties of the office have been divided. They were divided by the Hon. Mr. Fisher during the time he was Commissioner of Telegraphs. Dr. Lemon has now certain assigned duties and myself other duties.

155. *The Chairman.*] Then you correspond with and are directly responsible to the political head of the department?—Yes.

156. You have seen the telegrams of which these are copies?—I have.

157. Have you any personal knowledge of the circumstances under which these copies were obtained?—I have. A notice of motion was given some time ago in the House by Mr. Saunders that a Committee should be appointed to inquire into the use that had been made of the telegraph for electioneering purposes, and also what use had been made of the railway, too, if I remember rightly. Upon that the Telegraph Commissioner required certain information to enable him to see whether such a Committee should be appointed if the necessity arose in the House. I think you have a memorandum before you written by Dr. Lemon. That memorandum was the result of a conversation I had with Dr. Lemon in the office. Nothing was done for some time until the question was put on the Order Paper of the House by Mr. Saunders.

158. Were the instructions you received from the Commissioner of Telegraphs in writing?—They were in writing subsequently. I may say he was not furnished with the information or copies of the telegrams himself, until he gave the instructions which you have before you.

159. Then by what officer were these telegrams selected under those instructions?—They were turned out by the clerk in the clearing-house.

160. What is his name?—A lady is the head of the clearing-house, Mrs. Alexander.

161. And the telegrams were selected by her?—Yes; she procured them, and they were handed over to me by her.

162. Have you ascertained since whether there were any private telegrams included with these—any that had been paid for?—Yes; since there was a question raised in the House by Mr. Fisher, I think with regard to a telegram sent to Sir George Grey, I had the original of that telegram traced. I found that it had partly been sent as a private telegram and partly as a Government one. It was sent as an ordinary telegram from Charleston to Christchurch, and repeated from there to Wellington as a Government telegram.

163. Was that the only one?—There were others in addition to that. There was a second telegram from Mr. Fisher to Sir George Grey. There were three others, I think, all partly sent as private telegrams, and repeated on as Government telegrams.

164. You are aware of course of the provisions of the Telegraph Act with regard to the production of telegrams?—I am.

165. Were they complied with in this case?—I think so.

166. Do you think that clauses twenty-one to twenty-six have been complied with?—Yes; that is, assuming that Government telegrams are not to be treated as ordinary telegrams: that appears at present to be an open question.

167. You consider that in producing these telegrams, as directed by a Minister, you were complying with these provisions?—I deem so, as acting under the instructions of the Commissioner of Telegraphs. I also had the opinion of the Solicitor-General before me.

168. Do you consider yourself bound to produce any telegram merely on the order of a Minister, if instructed to do so by him?—Well, I should, even were I aware at the time of my act being illegal. I should feel bound to follow my instructions if no responsibility rested with me.

169. That is an important question. You are in duty bound to produce any telegram if directed to do so by a Minister on his own responsibility.—Not ordinary telegrams. I should take the responsibility myself of absolutely refusing to produce ordinary telegrams.

170. What do you mean by ordinary telegrams?—Telegrams paid for at the time of transmission.

171. But three or four of these you admit having been paid for?—They were paid as private to a certain point, and then repeated on as Government telegrams.

172. Whom were they paid for by?—By the senders.

173. Are you aware whether there is a practice in existence by which telegrams are sent by way of memoranda from one Minister to another?—It was done some years ago. I do not think it has been done of late. I do not know of a single instance within the last few years.

174. How long ago was it done?—I think prior to the time I entered the department.

175. You do not know it of your own knowledge?—I do not.

176. You can, if necessary, produce the originals of these copies?—I can.

*Mr. Maginnity.*  
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177. Are there any regulations in the department by which you are enabled to raise the question as to a Minister's telegram whether the telegram is a public or private one—that is to say, if a telegram is presented as public which you consider to be private, is there any rule by which you decide?—I think only upon one occasion was there ever a question raised as to a telegram sent by a Minister. We have rules in the department in reference to telegrams sent by Under Secretaries and subordinate officers on Government service, but which apparently contain private matter. I can only remember one case where a question as to a Minister's telegram has arisen. That was in the case of a message sent by the Hon. Colonel Whitmore.

178. You questioned that at the time of its being sent?—It was sent, and then the officer in charge applied to Colonel Whitmore for the value of it.

179. Was it paid?—No. When spoken to, Colonel Whitmore maintained that it was a Government telegram.

180. *Mr. Bowen.*] Was the matter referred to the Commissioner of Telegraphs?—No. It was passed by the General Manager.

181. You are not aware of any other instance in which the department raised the question on a Government telegram to ascertain whether it was public or private?—I am not.

182. *Mr. Turnbull.*] Are the operators allowed to use the telegraph to send messages to each other?—After office hours they are permitted to do so, providing they do not make use of any information that has passed through their hands. They can telegraph to each other private messages. For instance, supposing a fire were to occur in Blenheim after the office had closed to the public there, an operator at that place might send the information to an operator in Wellington.

183. Is there a general order as to readdressing ministerial telegrams?—Instructions were given in February, 1877.

184. But they would not be generally known?—No. I will read them: "Wellington, 22nd February, 1877.—Officers in Charge, all stations.—In the event of an ordinary telegram reaching your station addressed to a Minister which requires readdressing to some other station, you must make it a 'G.T.' instead of 'O.T. Collect.' Thus, should an ordinary telegram be sent to Hon. Major Atkinson, Dunedin, and it be found on inquiry that he is at Wellington, you will please recode it as a 'G.T.,' and send on. Acknowledge.—C. LEMON, General Manager."

185. What is the custom if a person sent a private message—what would the custom be if it was marked to be charged?—The telegram would be held at the receiving office till asked for, unless the person to whom it was addressed had left instructions that telegrams were to be sent to him.

186. *The Chairman.*] There are no accounts kept with Ministers for telegrams?—No accounts are kept.

187. In the case of this one by the Hon. Mr. Sheehan, marked "Private wire," why was not application made for the money?—I have a telegram from the Officer in Charge at Napier on the subject. I will read a telegram I sent to him and his answer: "Wellington, 17th November, 1879.—Mr. Stringer, Napier.—Urgent, take precedence.—On the 19th August last Mr. Sheehan sent a telegram from N.A., addressed G. V. Shannon, which was sent as a G.T., being coded G.T., and entered on your G.T. abstract, although 'private wire' was written in instructions. Please say if Mr. Sheehan kept any account with your counter-clerk, or made any arrangement with him as to what messages should be paid for, and what should be sent as G.T.'s, or any arrangement as to payment for messages. Can you say for certain that this particular telegram was not paid for at the time of presentation or subsequently? Reply sharp and fully. Number of message is forty-eight.—A. T. MAGINNITY." "Napier, 17th November, 1879.—Assistant Secretary.—*Re* Mr. Sheehan's message to G. V. Shannon on 19th August, the message was sent from here as G.T. No arrangements were made with the counter-clerk as to what should be sent as G.T.'s. The message was not paid for at the time of presentation or subsequently. His telegrams were usually presented by an orderly under cover.—STRINGER, Napier.—Two o'clock." It was the act of the clerk taking the message. If a packet of telegrams were lying before him to deal with, he would not notice these instructions, and if he did he probably would not understand them. He would not know what "private wire" meant.

188. The intention of the sender was that the telegram should be sent on as a private message?—I think that was the Hon. Mr. Sheehan's intention.

189. In that case the custom is to apply next morning to the Minister for the money?—That is not the usual custom. It is done here in Wellington during the session. A Minister may present a message, and may not have any change in his pocket, then payment is left over till next morning, or it may even stand for a day or two.

190. Do you know the money value of these telegrams? Have you added it up?—I have not added it up. It would not amount to a very great deal.

191. You could, if necessary, calculate the amount to a penny, I suppose?—Yes.

192. Could you give an approximation now?—About £18.

193. What would the value have been if the messages had been sent as Press telegrams?—About half the money.

194. That would have been £9?—Yes.

195. *Mr. Turnbull.*] Has there been, to your knowledge, any request to produce telegrams—not in reference to Ministers simply, but any request?

*Witness:* By the public?

*Mr. Turnbull:* Yes.

*Witness:* Oh, yes.

196. What is the custom in that case?—The custom is that we produce a telegram if we receive the sanction in writing of the sender or the receiver.

197. You would require to be told the subject of the contents of the telegram?—Yes; it could not be done without that.

198. And you only produce a telegram on the authority of the sender or receiver?—In certain cases otherwise, on the order of the solicitor for either party for instance. Except in such a case as



that, we should require the authority in writing of either the sender or receiver. We should want to be told the date of the telegram, so as to obtain it within a reasonable time. *Mr. Maginnity.*

199. The person asking for a telegram would have to show a knowledge of it?—He would not ask for it without, I presume. 19th Nov., 1879.

200. If asked by a third party, would you produce a telegram?—Not without the authority in writing of either the sender or the receiver.

201. Assuming him to have that, you would require nothing else?—Only some idea of the date and contents of the telegram, so that we might know where to look for it.

202. *Mr. Bowen.*] You said you think it your duty to obey the order of a Minister. Do you speak of him as the Commissioner of Telegraphs or as a Minister of the Crown?—As the Commissioner of Telegraphs.

203. You mean, then, you would obey the order of your superior officer?—Exactly so.

204. Have any applications for instructions been sent to the department by counter-clerks with reference to delayed payment for telegrams?—No; I do not remember any.

205. Do they act entirely on their own judgment?—On their own responsibility. The system of credit is not recognized by the department.

206. Practically, you know there is credit given in certain circumstances?—Yes.

207. Is that authorized by the department?—It is not authorized; but those giving credit are permitted to do it.

208. In the case of everybody?—No.

209. Then, to whom particularly?—It has only been done in the office here to Ministers and members of the Assembly.

210. Not elsewhere?—No.

211. Has any Minister had any account—a running account anywhere else with the clerks?—Not to my knowledge. When I say that no credit is given, the Committee will know we give credit in regard to Press telegrams.

212. There was evidence, I think, that one Minister paid for telegrams by cheques at intervals?—I do not know of the case referred to. It was not done by my authority.

213. *Mr. Wakefield.*] The Hon. Mr. Sheehan said he had an account with a local officer?—I do not know of that.

214. It was not authorized by the department?—No.

215. You spoke of the value of these telegrams—of the particular values?—Yes.

216. *Hon. Mr. Gisborne.*] I suppose the telegrams sent by Ministers with reference to the elections are only a very small part of the telegrams of the Government?—The annual report will give you an idea of the Government business.

217. *Mr. Pitt.*] Are not Ministers in the habit of sending memoranda by wire?—Not now. It has not been done for some years.

218. In reference to Ministers having credit or running accounts, are you aware whether the Hon. Colonel Whitmore had such an account, or paid by cheques?—He did not, as far as I know.

219. Had he done so, would the cheques have gone through your hands?—No; through the office where he opened the account. If he had an account at the Government Buildings Office, or owed money there, he would pay it there.

220. Well, if he paid it at the head office, would you not know?—I should know if he kept an account there; the Officer in Charge would have let me know.

221. In reference to the question asked by Mr. Turnbull about giving up telegrams on the authority of the sender or the receiver, are you aware whether the Post Office does so in the case of letters or not?—If the sender of a letter makes an application he can get his letter back.

222. Can he open it and see its contents?—He can take it away and do what he likes with it. After posting a letter, if the mail is not closed, he gives the office a letter of indemnification, and can get his letter. He gets the authority of the Postmaster-General.

223. *Hon. Mr. Gisborne.*] Did you know when you produced Mr. Fisher's telegram that it had been paid for at Charleston?—I did not know.

224. Would you have produced it if you knew it had been partly paid?—I should have produced it, but should have drawn the special attention of the Commissioner of Telegraphs to the case.

225. *Mr. Macandrew.*] Do you consider a Government regulation to forward a telegram from a place a Minister has left to a place where he is can convert a private telegram into a public one?—I should leave that to the Minister as head of the department.

226. But what is your own opinion?—I think it would.

227. I understand you to say that a person who sends a private telegram has a certain right to it, and can have it produced after it has been sent?—He can have it produced on his own authority or that of the receiver.

228. You do not consider the sanction of both necessary?—No.

229. Supposing one of the parties was against its production and the other for it, what would you do?—We should produce it at the request of either party.

230. Even against the remonstrance of the other?—Yes.

231. What is the usage if an operator saw a telegram from a Minister sent as a private message but marked "On Government service," what would the operator do?—He would send it, but query it after being sent. In the case of a Minister, I only know of one such instance.

232. *Mr. Bowen.*] Where was that particular one?—Mr. Smith, the Officer in Charge of the Government Buildings Station, saw a telegram from Colonel Whitmore which looked like an ordinary telegram. It was sent by the writer without instructions, and sent on marked as an ordinary telegram, and application made to Colonel Whitmore for the value.

233. *Dr. Lemon* said that he could have seen, upon looking at Mr. Fisher's message to Sir George Grey, if that was originally a private telegram?—It was impossible to say without tracing it back.

*Mr. Maginnity.*  
19th Nov., 1879.

234. *Mr. Wakefield.*] Do you consider, Mr. Maginnity, that telegrams sent on public service are the property of the Government as a Government, or of individual Ministers, or persons who happen to have sent them or received them. I mean, referring to the evidence you have given, as to the practice of the department giving copies of telegrams to either the sender or the receiver?—I myself, personally, should look upon Government telegrams as the property of the then Government. I should state, as the Committee knows, Dr. Lemon holds rather different views. I am guided in this by the opinion of the Solicitor-General. The Government is the sender or receiver of a message, and even if another Government goes in it is still the Government.

235. If at any time the Government were to ask for copies of such Government telegrams, and were to give the dates, and generally to indicate the contents of the originals of the copies required, you would have no hesitation in giving them?—I should have no hesitation.

236. That is the recognized practice?—I think so.

237. Has any Government asked for telegrams of a former Government?—I do not remember any case.

238. *The Chairman.*] As to the telegram sent by the Hon. Mr. Sheehan from Napier, that telegram had the words "Private wire." There are no such instructions known to the department?—No.

239. What do the words mean?—I assume that Mr. Sheehan meant the message was to be sent as a private telegram. The Hon. Mr. Sheehan calls all his telegrams "wires." We call private wires the short lines we erect for people, such as the line from the gasworks here to the Patent Slip.

240. Is there no private wire at Napier?—No.

241. You think, then, the words meant the message was to be treated as an ordinary telegram?—Yes.

242. If it had been put in as an ordinary telegram the clerk would have asked for the money?—Yes.

243. Do you think that was Mr. Sheehan's intention?—I think so.

244. *Hon. Mr. Gisborne.*] Do you not think the words "Private wire" formed part of the message; that it was meant as a private and confidential message to the receiver?—It might have meant that, but I did not consider that was its meaning. I thought it was nothing more than Mr. Sheehan's custom. I thought it meant that the message was a private telegram. I have a copy of the telegram here, and the words "Private wire" are in the instructions. If the clerk was busy he would not look at the instructions. Seeing the words "Private wire" he would probably not understand them, and conclude it was nothing affecting the office.

245. The message has never been paid for?—No.

246. Then it was sent as a Government telegram?—Yes.

247. Has payment ever been applied for; has Mr. Sheehan been asked for the money?—No.

248. *The Chairman.*] Are you aware that the Hon. Mr. Sheehan stated it was a private telegram?—Yes. Upon that I telegraphed to the Officer in Charge at Napier. You heard me read that telegram. That was merely to make sure whether we were in fault or not.

249. Do you know if there are any other telegrams sent or received by the Government on electioneering subjects than those which have been produced?—I could not say unless a search was made in all the stations.

250. These are only what were sent or received in Wellington?—Yes.

251. Have you received instructions to make a search?—No. Mr. Hall gave me verbal instructions. He said it would be required by the Committee. I assume the Committee will give me instructions for a search if it is required.

252. You could easily ascertain what were sent or received at other offices?—Yes; we could put a staff on to search if the Committee require it.

253. *Mr. Saunders.*] You are aware there are some telegrams here which were originally sent as private telegrams?—I am.

254. Was there anything on the face of those telegrams to show their difference from ordinary *bonâ fide* Government telegrams?—No; there was nothing.

255. Then it was impossible for the Government to know they were not originally Government telegrams?—It was impossible for the Government to know without first being placed in possession of these copies.

256. Are you in a position now to state what private telegrams there are among these, and which should never have been among them?—Yes.

257. And you could take them out?—Yes; I could take them out.

258. *Mr. Bowen.*] I wish to ask is Dr. Lemon your superior officer?—He is.

259. Do you take your orders from him?—No; from the Commissioner of Telegraphs.

260. *Mr. Montgomery.*] And not from Dr. Lemon?—No.

261. If the Commissioner of Telegraphs should ask you to do anything, you never consult Dr. Lemon?—No.

262. You said Ministers have asked for copies of telegrams occasionally?—Yes; it is just within my recollection. I am speaking on that from memory. I have an idea that Ministers have occasionally asked for copies of telegrams.

263. When copies have been so asked for, have particulars of the subject-matter been stated to those asked?—I could not say, but I think so. I think it probably would have been so.

264. How many of the telegrams in this bundle were private messages?—I think that has already been stated.

265. I want the names of each sender and receiver, and the number of each message.—The first is No. 14, from C. Malfroy to the Hon. Mr. Gisborne; the next is No. 27, from Charles Allen to the Hon. Mr. Macandrew.

266. *The Chairman.*—Where is that from?—From Normanby.

267. Was that paid for?—That was paid. The next is No. 821, from J. D. Armstrong to the Hon. Mr. Sheehan; the next is No. 294, from G. Alderton to the Hon. Sir George Grey; the next is No. 32, from J. B. Fisher to the Hon. Sir George Grey; the next is No. 18, from Mr. H. R. Russell to the Hon. John Sheehan; the next is No. 223A, from J. B. Fisher to the Hon. Sir George Grey. With the exception of the two first, these were all readdressed as G.T.

*Mr. Maginnity.*  
—  
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268. *Mr. Pitt.*] What was done with the two first?—The two first were coded G.T. by error in transmission.

269. To whom did you deliver these copies?—To the Commissioner of Telegraphs.

270. Before giving them to him, did you ascertain from the different officers who first received the messages whether they had been paid for. I should have had to have gone to all stations, and looked for the originals.

271. Did you do so?—No.

272. Then you did not ascertain?—No. I may say I should have done so, but in the press of business and the hurry of search it did not occur to me to refer to the forwarding stations for the original messages.

273. *Mr. Macandrew.*] You have the statute—the Telegraph Act?—I have “The Telegraph Act, 1875.”

274. You have that in the office?—Yes.

275. You recognize that as the law upon the subject?—I do.

276. Do you consider you should act in compliance with the law, or by the order of the Minister, even when you consider his directions are in violation of the law?—I think I should act under the instructions of the Minister, even although I recognized that my act was in violation of the law, providing the Minister took the responsibility of my act.

277. *Mr. Pitt.*] Has your attention been drawn to a telegram sent by Sir George Grey to the Wairarapa. This is said to have been marked “O.P.S.O.”?—I have seen such a message.

278. Has that ever been paid for?—No.

279. *Hon. Mr. Gisborne.*] You say two telegrams were paid for, and marked by mistake “G.T.”?—Yes, in transmission.

280. At the office where sent?—Yes, or marked in error by the receiving officer.

281. That was found out by applying to the original source?—Yes.

282. I understand you recognize it to be the duty of the department to apply to the original source to see whether a telegram has been paid for or not?—I think so.

283. *Mr. Macandrew.*] I understand you to say these telegrams were selected by Mrs. Alexander entirely at her own discretion I suppose?—She made the search by my direction, and she afterwards submitted all the telegrams to me.

284. Supposing these telegrams had reference to other matters besides electioneering, they were selected all the same?—They were passed.

285. The telegram from Allen to me—has that any reference to anything besides electioneering?—I do not think so.

286. Will you look at that. I should say the bulk of that telegram had reference to a railway station?—Yes, that is so.

287. How far back can telegrams be referred to? Supposing the present Government wished to see telegrams sent by the Government before the last, could they do so?—No, not now.

288. How far back?—Two years.

289. Are all telegrams sent to Wellington from the out-offices?—All.

290. To what date?—To within about ten days.

290A. Then, in point of fact, you have got the originals of all these telegrams now in Wellington?—Yes.

291. You gave Mrs. Alexander instructions to select the telegrams. Were they all looked over?—No; only those sent from and received in Wellington.

292. Well, you could get all now that were sent and received in other districts?—All over the colony, if the Committee desires it.

293. You say these telegrams amounted to £18. Does that include all, both public and private?—No; I omitted the seven private ones.

294. I understand you to say it was usual to give credit to members of the House of Representatives and Ministers for a day or two?—The Officer in Charge did it here.

295. In reply to a question by Mr. Wakefield, you said the property in these telegrams vested in the then Government?—That is, the Government in office for the time being.

296. *Mr. Turnbull.*] Are these telegrams sent in priority to others? I mean, in that case, has any injury been done to the public business through it?—Government messages always take precedence of ordinary telegrams.

297. Then no public injury was done in sending these in priority?—I could not say.

298. *Mr. Wakefield.*] They are sent as soon as obtained?—Yes.

299. And they take precedence of everything?—Yes.

300. *Mr. Macandrew.*] As to that telegram from Allen to me. Do you not think the publication of that telegram might be seriously prejudicial to that man's interest in certain quarters?

*Witness:* Prejudicial to Allen himself?

*Mr. Macandrew:* Yes.

*Witness:* I cannot say. One thing I should like to ask the Committee: it is to permit the telegrams mentioned in the memorandum to be withdrawn. No doubt the department was in some degree responsible for these errors.

301. You could not express an opinion whether the publication would be injurious or not to the man's credit?—I do not think so.

302. *Mr. Pitt.*] What is the object of the department—what is its reason—for keeping telegrams two years?—I do not think there is any reason in particular. We reduced the time from five years to two years.

*Mr. Maginnity.*  
19th Nov., 1879.

303. I know that. Why do you keep them now for two years?—I do not know; I suppose, in the event of their being required. Personally I think they should all be destroyed immediately.

304. *Hon. Mr. Gisborne.*] The office is not one of record?—It is not.

305. *Mr. Wakefield.*] It has been stated publicly that your department showed an unusual amount of zeal—undue zeal—in getting these telegrams. The expression was that it was a labour of love to search for these telegrams, with a view of injuring the members of the late Government—for venting some grudge upon the late Government. I ask you whether that came within your knowledge?—It did not.

306. The instructions of the Telegraph Commissioner directing a search were attended to without any intention of going beyond?—His instructions were carried out; nothing further.

307. Except accidentally, through some private telegrams getting among the public ones?—Except accidentally, through myself not going to the original receiving stations and verifying them. In justice to myself, the Committee should ask the Telegraph Commissioner that question—whether the department showed any undue zeal in turning out these messages. I am personally interested in that. Dr. Lemon was away at that time, and it is well known that I am responsible for what was done in his absence. A statement was made concerning it in a place where I cannot defend myself. This, I think, should be done to justify my action.

308. I understand the only officers who had anything to do with the production of these telegrams were three—first, the Commissioner of Telegraphs; secondly, yourself, as Assistant Secretary; thirdly, Mrs. Alexander, the clerk of the clearing-house?—Exactly.

309. Nobody else?—Nobody.

310. Was not Dr. Lemon consulted?—That was before the instructions were given.

311. I am right, then, in saying the three I have named were all?—Those three were the only ones.

312. *Hon. Mr. Gisborne.*] There is a private telegram addressed to me among them?—Yes.

313. Would you let me see it?—Certainly.

314. *Mr. Macandrew.*] Would you be good enough to point out the telegrams which were originally despatched as private—the seven you referred to—and take them out altogether?—I will.

*Mr. Maginnity.*  
20th Nov., 1879.

THURSDAY, 20TH NOVEMBER, 1879.

Mr. A. T. MAGINNITY recalled and examined.

315. *Hon. Mr. Gisborne.*] Referring to the telegram which was sent by Mr. Ballance to Mr. Sheehan—it was dated after the writs were returned on the 17th September. Does it refer to electioneering matters?—No.

316. Then why was it given up to the Premier?—I simply glanced through the telegrams, and did not notice that there were any doubtful ones.

317. Whose duty was it to select the telegrams which were to be laid before the Premier?—I was responsible as far as the selection of the telegrams was concerned. The telegram you refer to may have referred to any subject whatever; it certainly does not refer to any particular election.

318. *The Chairman.*] With regard to the telegram from Mr. J. B. Fisher to Sir George Grey, dated 17th September, was that a public or a private message?—It was a Government telegram, and was not paid for privately.

319. *Hon. Mr. Gisborne.*] I understand that that telegram was sent from Westport to Christchurch, and that, as the gentleman to whom it was addressed had left Christchurch, it was sent after him at the Government expense?—Yes.

320. The original of the message which was forwarded to Christchurch is lodged in the head office in Wellington?—Yes. The telegram was not traced back to the place from whence it came; but if it had been so traced, inquiries would have been made as to whether it was a public or a private message.

*Mr. Maginnity.*  
24th Nov., 1879.

MONDAY, 24TH NOVEMBER, 1879.

(Mr. A. PITT in the Chair.)

Mr. A. T. MAGINNITY recalled and examined.

321. *The Chairman.*] Were any telegrams sent as public messages which were afterwards withdrawn and paid for as private messages, and, if so, when?—I can only remember one instance, and that was the case of the Ingles telegram.

322. *Mr. Bowen.*] Could a Minister have paid for this telegram at any time?—If a Minister came to us within a reasonable time, and stated that he had sent a telegram at the public expense by mistake, we should certainly allow him to rectify the mistake.

323. What do you call a “reasonable time”?—Well, say, within a week.

324. How long a time elapsed after the Ingles telegram was sent before it was withdrawn?—I cannot say from memory, but it was more than a week. It may have been a month.

325. *Mr. Wakefield.*] If Ministers had gone at the same time and offered to pay for all these telegrams they could have done so?—Yes; we would not have refused the money.

326. And if these telegrams had been paid for they would not have been laid on the table?—No.

327. *Hon. Mr. Gisborne.*] If a Minister came to you and said that he had sent a private message at the public expense accidentally, would you allow him to withdraw it?—We should use our discretion; but, if a Minister made such a statement as that which you have just indicated, we should do all in our power to have the mistake rectified.

328. Does the mere fact of a telegram being sent at the public expense make it so much a public message that it cannot be withdrawn by the transmitter on paying the cost of it within a reasonable time?—I can only say that, if a Minister came to the office and said he had sent a private telegram at the public expense by mistake, we should rectify the mistake if possible. This rule would not apply to Ministers only, but to anybody who had a right to frank.

*Mr. Maginnity.*  
24th Nov., 1879.

TUESDAY, 25TH NOVEMBER, 1879.

(Mr. MACANDREW in the Chair.)

Sir GEORGE GREY, K.C.B., M.H.R., sworn and examined.

*Sir G. Grey.*  
25th Nov., 1879.

329. *The Chairman.*] Do you wish to make any statement in regard to these telegrams, Sir George?—Yes, I should like to make a short statement. I wish to say that, in dealing with telegrams, I generally pursued the following course: I dictated the reply to a shorthand writer, and it was then handed over to my Private Secretary, who sent it away without showing it to me again. The instructions which I gave to my Private Secretary were that he should decide whether any telegram was a public or a private one. If it was a private message he was to pay for it, and he was to give any doubtful case against myself; and I have disbursed considerable sums in paying for private telegrams. Any telegrams which were of a private nature, but which were sent as public messages, must have been sent accidentally in the hurry of transmitting a number of messages, or they must have been sent after me when I was travelling from one place to another. The number of telegrams which I received was considerable, and the amount of public business that I had to transact was very large. When I left the Government I left all my public and private telegrams in my office, in order that my successors might see exactly what my line of conduct had been. I believe all those telegrams are there now. I would suggest that my Private Secretaries should be called, in order that they might inform you what their practice was in regard to telegrams. I refer to Mr. Fox and Mr. Mitchell. I am of opinion that if any telegram of a private nature was, through an oversight, sent at the public expense, the department should have applied to me for payment. The amount would have been very trifling on the telegrams produced. I am not aware of any law or custom which authorizes the Telegraph Department, because a private telegram was not paid for, to make it public or to communicate its contents to any other person whatever. I believe that a breach of the law, and a very serious one, has been committed by the Telegraph Department in following the course it has adopted. At the same time, personally I may say that I should be glad if all my telegrams, both public and private, and all my letters, public and private, were printed by the Government, in order that, after the discussion which has arisen, the whole of my transactions might be laid open to the country.

Hon. Colonel WHITMORE examined on oath.

*Col. Whitmore.*  
25th Nov., 1879.

330. *The Chairman.*] You are aware of the object for which this Committee was appointed?—Yes.

331. There are a number of telegrams which have been sent by Ministers on electioneering matters at the public expense; some of them have either been sent by you or were addressed to you. Would you like to see them?—Yes. [The Hon. Colonel Whitmore then examined the telegrams, and made the following remarks:] The first telegram I look at is strictly an official one, with the exception of five words which were inserted. The telegram referred to the appointment of a Government officer. The gentleman to whom the telegram refers was a commanding officer in the militia and volunteers, and who had been appointed to take charge of the Maori prisoners. When Mr. Mackay was appointed to the charge of the prisoners, I thought the Government could not do better than utilize the services of the officer in question in the Native Department at Gisborne. The only words in the telegram that can be objected to are the following: "How do your prospects look?" I put those words in the telegram out of common courtesy. The Committee must recollect that the elections were proceeding at this time, and I contend that the Government were bound to carefully watch the elections, because we were pledged to resign if we did not get a majority in the new House. I may say that I was required by the Governor from day to day to inform him as to how the elections were proceeding, and he frequently asked me how the prospects of the Government looked. I may remark here that I consider that this Committee, if not a secret one, is, at all events, one which I can speak freely before, and one which will protect me in connection with my utterances.

*The Chairman:* Certainly.

*Colonel Whitmore:* Well, I may say that the state of affairs in regard to the Natives was such that the Government thought it exceedingly probable that they might at any moment be compelled to adopt vigorous measures in regard to the Natives, and, therefore, we considered that, if we were likely to be in a minority, it was our duty, in the interests of the country, to resign our positions immediately. Under these circumstances, I consider that I, as the only Minister who was communicating with the Governor, was bound to take more notice of the elections than I should have done under ordinary circumstances. With regard to the next telegram, which refers to the election of a member for Egmont, I have simply to say that I consider it a private message, and one which should have been paid for by the sender. It should have been paid for in accordance with the resolution passed by the House in 1871. My own sense of what was proper led me always to pay for my private telegrams. I sometimes sent as many as six hundred telegrams in a week during the time I was the only Minister at Wellington; but Mr. Maunsell, who was my Private Secretary, will inform you that whenever he had a telegram through his hands which he thought ought to be paid for, it was paid for. If a private message was sent at the public cost, the department generally sent it back to the sender, and he paid the cost of it. I may say, further, that, after being in office for about three months, it never was my practice to frank messages by putting the letters "O.P.S.O." on them. I may mention, further, that I sent for Dr. Lemon, about the time Parliament met, and asked him whether, in his opinion, there were any telegrams which I had sent as public messages and which I should have paid for. He told me that, if I would indicate any

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particular telegram that I required, he would search for it, but he stated also that he could not examine telegrams generally without committing a breach of the law. Accordingly, I and my Private Secretary, Mr. Maunsell, looked up the copies of the telegrams which I had sent. The next telegram I look at is one sent to Major Porter, but I cannot see that there is anything in it which makes it a private message. Major Porter was a Government officer, and he was suddenly called upon to stand for the East Coast, and, as he was already in the Government service, the situation was a rather embarrassing one. I had arranged to employ him in connection with the Armed Constabulary, and I did not see how I could employ him in the event of his being elected a member of the House. I may as well add that the Government did not support him in the election, and he was considered to be a perfectly independent member. I now come to the telegram which I sent to Mr. Ballance, congratulating him on his re-election, and I do not see why that should not be looked upon as a public telegram. [Colonel Whitmore here went through the list of telegrams which had been handed to him, pointing out that nearly all of them were of such a nature that they might properly be sent at the public expense.] I wish to enter a protest against telegrams which have passed between one Minister and another being laid on the table, or brought up in any way before the notice of the public. It was always understood that Ministers might communicate freely with each other without fearing for a moment that their telegrams would be made public any more than would their discussions in Cabinet. Therefore I protest against the laying on the table of any telegram sent by me to any of my colleagues. I may explain, further, that for six weeks I was the only Minister in Wellington, and that during that time I had to answer all the communications that came to the Government. There are some of these telegrams that I should have paid for if they had been shown to me. I repeat that I protest most formally and strongly against the practice of telegrams which pass between Ministers being exposed to or handled by anybody. I say also that it has always been the practice heretofore to consider such communications to be of a private and confidential character. If I had not felt perfectly satisfied that that was the fact I should not have undertaken to perform the duties of my colleagues. I protest against the power to demand such telegrams being vested in the House or in this Committee. I may say, further, that I have paid for 300 or 400 telegrams myself, and in many cases there was a doubt as to whether they were public or private messages.

332. *The Chairman.*] Did I understand you to say that prior to the meeting of Parliament, or about the date of its meeting, you sent for Dr. Lemon and requested him to ascertain what telegrams, if any, had been sent by you during the elections at the public expense—your object being to pay for such telegrams out of your own pocket?—Yes; and Dr. Lemon replied that he could not search for those telegrams without being guilty of violating his statutory obligations.

333. And you hold that most of the telegrams produced are of a public nature?—Yes.

334. *Mr. Wakefield.*] You say that you protest against any telegrams between yourself and your colleagues being examined by anybody. Are you not aware that by law this Committee has full power to examine any telegrams they may think proper?—I believe that the law is exactly contrary to that, and there is a decision of the Supreme Court which bears me out in that belief.

335. Are you aware that the law protects officers of the department who produce telegrams to the order of a Committee appointed by the House?—That only refers to telegrams relating to treason, murder, and other felonies.

336. At any rate you protest against these telegrams being produced before this Committee?—I protest against the telegrams being read by this Committee.

337. My only object in asking the question was to ascertain the value of the protest. Do you protest against the proceedings of this Committee?—That is a question which at present I have nothing to say about. I am perfectly convinced that the Committee should not read telegrams which have been sent by one Minister to another. I am personally concerned in this case, and therefore I make a personal protest. I protest against the reading of the telegrams on three grounds: 1st, I contend that telegrams sent by one Minister to another should be kept secret; 2nd, I say that there is no precedent for anything of the sort; and 3rd, I hold that the law provides that such telegrams shall not be produced.

338. You say that one day, either just before the opening of the session or thereabouts, you sent for Dr. Lemon and asked him to look over all your electioneering telegrams and see whether by any chance any had been sent at the public expense which should have been paid for privately, your object being to pay for any that might have been sent in error. Did you do that as a private person, or in your official capacity as a Minister?—Certainly not in my official capacity. I did not know what the limit of the General Manager's authority was.

339. Did I understand you to say that Dr. Lemon told you he could not allow you to look over these telegrams or to pay for them?—I could not examine the telegrams, but I could have paid for any which had been sent at the public expense by mistake.

340. But he informed you that if you gave him the date of a telegram, and informed him as to what its contents were, he would be able to show it to you?—Yes.

341. But that unless you did that he could not show you any telegram, because by so doing he would be guilty of a breach of his statutory obligations?—Yes.

342. And what happened then?—I went through the copies of my telegrams, and paid for some of them—two or three, I think.

343. Were they on electioneering matters?—Yes.

344. *Hon. Mr. Gisborne.*] Is it not the habit of Ministers to write to each other when they are apart, and to frank the communications even though they may relate to what might be called "private" matters?—I always considered that such was the practice, and I know that the predecessors of the late Government were of the same opinion. Of course I do not think that Ministers had a right to frank letters or telegrams relating to their own family affairs. I mean that communications referring to private political matters should be sent at the public expense.

345. *The Chairman.*] If the letters "O.P.S.O." are not put on a telegram sent by a Minister, it would be considered to be a private telegram?—No; I cannot say that. The mere signature of a

*Insert in Hon. Colonel Whitmore's evidence, after the word "document,"  
in line 1, page 23, of I.-6, as follows :—*

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In exemplification of this I may mention that one or two telegrams signed by me, but not otherwise franked, were collected at the other end. In reply to your question I believe it to be the practice not to collect a telegram unless the word "Collect" is written on it; but in case of a private person such a telegram, if unpaid, would not be sent. It is therefore evident that the mere signing of my name did not protect the telegram from being treated and charged for as private, though it was considered to compel its being forwarded. In fact, at one end or the other, such telegrams were practically certain to be charged by the department, if by accident they escaped my attention, and that of my private secretary.





Minister does not make a telegram a public document. Anybody can go into the telegraph office and send a message marking it "Collect," and then the receiver will have to pay for it. I have sent several telegrams which have been marked in that way. My Private Secretary could have stopped any telegrams which I had franked if he had considered that they were of a private nature.

Col. Whitmore.  
25th Nov., 1879.

346. Why should the officers of the Telegraph Department examine telegrams in order to see whether they were public or private?—I cannot say why they should do so; but that has been their practice. If a Minister sends a telegram at the public expense, and the officers of the Telegraph Department consider it to be a private message, they send a boy to inquire whether it is intended to be paid for or not.

WEDNESDAY, 26TH NOVEMBER, 1879.

Mr. JOHN SHEEHAN, M.H.R., sworn and examined.

Mr. Sheehan.  
26th Nov., 1879.

Mr. Sheehan: Before I proceed to give evidence, I should like you to be good enough to call the shorthand reporter and interpreter, who were employed by me during the time that these wires were being sent, Mr. Berry and Mr. Johnson, who are both officers in the Government service, and Mr. Brodie, Chairman of the Thames County Council.

347. *The Chairman.*] Do you wish them called before you make your statement?—I would like them to be called before I make my statement—I may say, I am prepared to give a portion of my statement now. I asked Mr. Maginness to produce the receipts for wires that were outside the envelopes. I want to see whether I overlooked any of those telegrams, as being marked outside "On public service." They were delivered to me without any demand for payment; and I presume I am entitled to ask the Committee to take the matter in the ordinary course where they come to me and are not asked to be paid for. I have got the list which the Committee kindly allowed me to make the other day, but I cannot go beyond that, unless I see the telegraphic receipts. I produce a list, which I made, and I find out of two and a half pages that over a page and a half are minuted by Mr. Berry, who had the principal duty of transmitting the wires, as "Payment not demanded." They were wires sent to me by other persons. I would first of all state that, when it became evident that a dissolution of the House was about to take place, I stood in that position towards the party that I was called upon to do more telegraphing, perhaps, than most of them; and, in consequence, I was authorized by them to do such telegraphing as might be necessary. All telegrams sent by me on electioneering business were specially marked "Private wires." I produce these for the inspection of the Committee. This is one of a number of receipts paid for by me under that head "Private wire, forwarded by the Hon. John Sheehan," and here are the amounts. I produce my private bank-book, showing various cheques paid upon the same account, and I have no objection to the Committee looking through it, if they like. I produce also my cheque-book, showing the cheques given by me.

348. *Hon. Mr. Gisborne.*] Will you specify the cheques which you paid the Telegraph Department?—There are only a few cheques, because the bulk of the money was paid in cash, but Mr. Berry and Mr. Johnson will be able to give the Committee information.

349. At what stations?—At all the stations at which I happened to be. I was at Wellington, Napier, Poverty Bay, Tauranga, Auckland, Mercer, Ngaruawahia, Cambridge, Ohaupo, Kihikihi, and the Thames.

350. Were those paid at the time the telegrams were sent, or on account afterwards?—Except in one instance only, and that is the one I produce to you. You will see that, when I left Tauranga Harbour rather hurriedly in the evening on account of the tide, and the telegraphist had not an opportunity of sending on board for the money, advices were sent on from the Tauranga office to Auckland for the amount to be collected and forwarded. There may possibly have been one or two wires at Napier which could not be paid for the same reason. We left at a quarter-past 11 o'clock at night, and I fancy one or two wires were written at the Spit. I think I gave them to Mr. Kenny, District Court Judge, and asked him to put them into the office for me. I may add that Mr. Berry has gone through my private telegrams, and I find that between the two days mentioned, the 6th of August and the date under notice, I sent no fewer than 146 telegrams on electioneering subjects, all of which, with the exception of two or three that have found their way into this list, the Telegraph Office itself admits were paid for. I may add that my practice in sending telegrams was that, two or three times a day, generally after breakfast and at lunch, and between the rising of the House at half-past 5, and the sitting at half-past 7, I generally gave half an hour to reading and answering wires received by me during the course of the day. My answers were dictated to the shorthand writer, just as my evidence is being taken now, and the two clerks, Mr. Berry and Mr. Johnson, had express instructions from me to separate all wires not strictly of a public character from those being transmitted as Government telegrams, and to charge them to my private account. I think the Committee will be disposed to agree that if, out of 146 wires, only three appear to have been marked "On public service" by them, that discretion was not very unwisely used. I will take the first case, "Mr. Sheehan to Mr. Tizard," from Wellington. The Committee will observe that the telegram is altogether in the handwriting of Mr. Berry, and if he has sent one as a public service wire it is an error of judgment on his part. Then there is a telegram of the 2nd August, "Mr. Sheehan to Mr. Palmer;" you will find that is in the handwriting of Mr. C. H. Moss. I simply gave instructions to the shorthand writer to write them himself, or, if the other clerk was present, they were dictated by the shorthand writer. They had to decide on several occasions whether the wire was a public service telegram or an electioneering wire. This is another telegram next to that, of the 2nd August, "John Sheehan to Pilliett." That reply is in the handwriting of Mr. Berry. I am not prepared to say whether it is a public service wire or not, unless I see the message to which it was an answer. I suppose we could see the wire to which it was a reply. It was transmitted to me. There are two wires of the 9th and 16th August, "Mr. Sheehan to Mr. Grace and Major Te Wheoro." There is one telegram here from me in which I state that I notice a report in the papers that Major Te Wheoro is likely to stand for the Maori District, and I express my opinion that the report is not true, and point out that it

*Mr. Sheehan.*  
26th Nov., 1879.

would be extremely unwise for him to give up his position to be returned to Parliament, and explain to him that I would require him to resign before he could be elected. I submit that is not a private wire in the meaning of the words. Major Te Wheoro had been in the public service for the last ten years as an officer in the Waikato, and I take it for granted that I was entitled to point out to him that he would be required to resign his public appointment, and I conceived it to be my duty to point that out on the ground that the public service would sustain a loss by his resignation, and I think so still. I may add that, throughout the colony, the Native officers have been more in the position of resident political agents than anything else, and their wires, as well as their written reports, will be found of an entirely different character from those of other departments. They are supposed to keep the Native Minister posted up in all the news of the district, both domestic and political. There is another wire, "Mr. Sheehan to G. V. Shannon," from Napier. I find, as I pointed out to the Committee, that the telegram is despatched by me as a private wire, and is produced in the records of the Telegraph Department as a private wire. The original message contains this same entry, "Private wire." I have seen Mr. G. V. Shannon, and he states that he received the wire without having to pay for it, and the only evidence I have is that some one in the Telegraph Office has written "G.T." under what is called the code. This is one out of 146 telegrams similarly marked, all of which, I think, I had to pay cash for as they were received.

351. *Mr. Wakefield.*] That does not show what the telegrams were?—Yes, it does. I have seen the original, and that is word for word with the original produced by Mr. Maginnity the other day, and that instruction, "Private wire," was the instruction by which I used to distinguish wires sent on the public service from my own wires. In every instance, except the ones I refer to, those private wires were all paid for by me. I produce a sample account. Here is another sent on the 23rd August to Colonel Whitmore; that is marked "Private wire," and the original, which was produced by Mr. Maginnity the other day, contains the instruction "Private wire." This is a singular thing about this telegram from Auckland which I would like to point out. With this one were sent, I think, seven other wires similarly marked, but none of which are produced against me as wires sent on public service, and bearing the same instructions that were written in the same room in the Club, and sent in one batch. The others are admitted to be paid for, and do not appear. This particular one I am perfectly certain was paid for at the time, and is marked as a private wire.

352. Which is that?—The one of the 23rd August.

353. *The Chairman.*] Then do you say that one must have been paid for as well as the others?—I say that all the wires which were not sent by me on public service were marked "Private wire," and that day by day the Telegraph Office, wherever I happened to be stationed, sent me a memorandum of the amount, which amount was paid as it came in by either of my two clerks, and if they have chosen to omit these from the private wires that is their fault, not my fault. There is one marked "Private wire," and if any clerk in the office has chosen to put "G.T." in the corner without reference to me, that has nothing to do with me. My own impression is that they have been paid for, and that inquiry should be made as to where the money has gone.

354. *Hon. Mr. Gisborne.*] Then I understand you to say that "G.T." was not in the original telegram?—That was produced the other day by Mr. Maginnity, who explained that the word "G.T." in the code was put in in the office.

355. *The Chairman.*] Is the Committee to understand that that is one of a batch, sent upon a similar subject at the same time?—At the same time.

356. And all in the same direction?—There is a whole heap of telegrams. I had evidently got back to Auckland from the Thames or Waikato, and had a lot of wires waiting at the Club. When I got back from Tauranga I found my private wires account had been sent on, and that is the account you will see there. Then comes a private wire to Mr. Dufaur on the 23rd August; a private wire to W. L. Rees on the 23rd August, and to A. Mc. Donald; 23rd August, private wire to Colonel Whitmore; a private wire to Mr. Russell, Waipukurau, same day; private wire to Ehrenfried same day. All these were sent on the same day, and all went at the same time. The only one charged is this. They all went under similar instructions. I believe this one was paid for. Being marked "Private wire" I contend that the Government has no right to convert that into a public telegram without reference to me for instructions.

357. Have you a record of all the payments to the Telegraph Office on that day?—I dare say Mr. Johnson can give it. They do not give a receipt, they give these memoranda, and the clerk goes down and pays the amount. There are two telegrams here to Mr. Dufaur in Mr. Berry's handwriting. He will be called, and I dare say will be able to explain that. I have no doubt that in one or two instances only these letters, "O.P.S. only," have been put on in mistake, or from a belief in the mind of the clerk that they were not strictly electioneering telegrams. I know that often in my own case, if I sat down to write a telegram, I began mechanically at the top "O.P.S. only," just from force of habit. There is no doubt these are electioneering telegrams just as much as any others referred to, and they have been marked "O.P.S. only."

358. *Mr. Wakefield.*] Was Mr. Berry your Private Secretary?—He was shorthand reporter, but was employed as clerk with my Secretary. I dictated the wires to him, and then the other clerks took them out in full and sent them off. This is one of the wires sent to me on the 2nd September, Colonel Whitmore to myself, urgent, private. The original of that was produced by Mr. Maginnity, and it will be found that the instructions to charge it as an O.P.S. wire are in the handwriting of the clerk, and in the corner "G.T." Here is one, 12th September, Colonel Whitmore to myself, *re* Clive election. That is amongst the list I pointed out in which payment was not demanded. In regard to this it would be necessary for me to see the receipts at the time. Now, we come to another wire which is sent to me by Mr. Bush *re* Te Ngakau, "6th August, Mr. Bush, R.M., to Mr. Sheehan."

359. *The Chairman.*] There is no date, and it does not state whom it is to?—This is one about Te Ngakau standing for the constituency which Major Te Wheoro now represents. The object of sending telegrams of this kind will be at once seen. It will be amongst others with regard to Te Ngakau standing, and it is just of as much importance. I may say the telegrams applying for a polling.

place at Te Aotea are not in any sense private telegrams. It was of just as much importance to have Te Ngakau in the House as to have had Rewi in the Council. We hoped to have a polling-place at Te Aotea, so as to induce the Natives to break up their isolation, and come in to vote, and take an interest in the election. We were so far successful that Rewi went down. The idea was to have them do something which would be an act of submission to the Government of the colony, and if it could have been managed, and we had got Te Ngakau to stand, it would, more than anything that has taken place these last seven years, have broken down the isolation of the King party utterly. The rest are all of that kind, "Payment not demanded," but in respect to which I cannot say much until I see the receipts. There is one from "John King to Mr. Sheehan." This appears to be the only one from John King to myself included in the list, and I should be almost afraid to tell the Committee how many I received from him during the election. The extraordinary fact that only one is marked as charged to Public Account is worthy of note. I may add that I have a communication from Mr. King, at Auckland, in which he positively asserts that every telegram he sent was paid for by either himself or his clerk before being transmitted, and I think the fact that I received so many from him, and only one is marked as charged to Public Account, is evidence that there must be some mistake on the part of the clerks. There is a telegram from Mr. Young to me in which he says that Hans Tapsell is about to stand for the East Coast, and that he wants to be allowed to draw on account of his land under negotiation to the Government, with a view of providing himself with funds to meet the expenses of the election. That is not in any sense of the word an electioneering telegram; it is nothing more than one of many telegrams which a Minister receives in the course of Native land purchases. If a chief dies we are at once apprised that his relatives want funds as an advance on account of a block of land in order to defray the expenses of his funeral, the object being, in acceding to these requests, to induce the Natives to accept money. There are many people who refuse to accept money for a year or two, but who are on such occasions induced to do so, and afterwards to complete the sales. I may add that there were three candidates for the Native District of the East Coast, and that, so far as I had anything to do with the election, my efforts were directed to the return of Henare Matua. The last on this list is one from Sir George Grey to R. Wakelin, Greytown. I think the Committee will remember that this wire was produced, franked by me. The whole of it is in my handwriting. I can only say in regard to it that the fact of my having used the words "O.P.S. only" must have been by pure inadvertence, and very likely arose from the fact that I was at that time sending a number of other wires on public service. At any rate I had no instructions from Sir George Grey to send it on public service. That is as far as I can go with these, pending reference to the receipts. I would also like to have along with the receipts the originals of the wires that have been sent to me. These are only copies, and I understand they have been produced to-day. The originals will show how much of the wires were written in the place itself, and what instructions, if any, were given by the transmitter.

*Mr. Wakefield:* I do not think that is disputed. We are anxious to get to the conclusion of this inquiry, but shall prolong it with a view to get the originals. There is no doubt that everything you say is obviously the case.

*Mr. Sheehan:* I want to satisfy the Committee, so far as I am personally concerned, that I did not knowingly or willingly send one single telegram on public service which was a private telegram.

360. *The Chairman.*] Then I understand all telegrams sent by you on election business were marked "Private wire," with the view of being paid for?—Yes. With regard to the two or three cases I have referred to in this list, I will call attention to the fact that there are none in my handwriting, but they are all in the handwriting of my clerk.

361. You also say that during the elections you despatched 146 electioneering telegrams, all of which were paid for except those now in question?—All of which are admitted to have been paid for.

362. Have you any idea of the amount you paid altogether in respect of these?—I should say about £60 perhaps. I remember keeping an account of it up to £37.

363. Then Johnson and Berry were your clerks, and the shorthand writer had special instructions to pay for all private wires?—Yes.

364. They were all sent by them?—Yes. (Order of reference.) That reference to public cost appears to me to be of the very essence of the evidence I am now giving. The allegation that these telegrams were sent at the public cost—I want to show that, except in two or three instances, that were mistakes and matters of inadvertence, those telegrams were paid for by me. In regard to the great majority of the telegrams, I say they were private telegrams, so marked by me, and paid for at my instance.

365. I understand you to say your instructions were that all private telegrams were to be paid for, and, if they were not paid for, the fault lies with the Telegraph authorities?—I was going to say that I propose to call Mr. Berry and Mr. Johnson, if the Committee will agree, for the purpose of proving that was the regular course in which these wires were sent in every instance; that they had express instructions to separate public and private wires, so that the private wires should be paid for; and they will also prove that wires marked "Private" were sent from the office, and paid for by cheque or cash out of my account. I want to call Mr. Brodie, because he happened to be in my house on two or three occasions on other business, and heard me on several occasions giving those instructions, and wondered why I was so express and particular about it. I hope I have made myself understood. I desire to see those original telegrams and receipts, and hope I shall be able to show that several of those telegrams were improperly marked as Government telegrams by the Telegraph Department.

366. *Hon. Mr. Gisborne.*] I understand you to say that you are fully aware of that report of 1871, that electioneering telegrams were to be considered private telegrams?—No, I could not say that I was. I was not in the House in 1871, but I heard reference made to it in the debate on this question.

367. But at any rate, acting upon that understanding, you gave instructions to your secretary and shorthand reporter?—Yes, I did.

368. Do you consider that Resident Magistrates in Native districts are in a different position from those in European districts?—Yes.

*Mr. Sheehan.*

26th Nov., 1879.

369. You consider that certain political duties devolve upon them?—They are supposed to keep Ministers informed of everything that transpires in their districts of every character.

370. *Mr. Saunders.*] What is the nature of the evidence you expect from these witnesses? Is it anything that would apply to our order of reference?—Yes; the total number of telegrams sent by the late Government at the public cost. I think their evidence will satisfy the Committee that several telegrams returned against me as having been sent at public cost were not so sent; and they will also, I think, satisfy the Committee that these two or three wires, amongst so many that were despatched during that time marked "On public service," was a mere inadvertence.

371. *Mr. Pitt.*] Your attention was called to certain telegrams at the last meeting of the Committee, and you took memoranda?—Yes.

372. Have you any reason to believe that any of those telegrams were paid for by you?—Yes; I have every reason to believe they were.

373. What is your reason for believing that?—Because the bulk of them were paid for by me; and out of 146 they were all admitted to have been paid for except these three.

374. Can you give any evidence of actual cash having been paid for them?—No, I could not do that. Have you seen the sample accounts I produced? They sent those memoranda, and the clerk went round and paid the amounts.

375. *Mr. Turnbull.*] How many of those accounts before us do you contend were paid for?—I think all those put down as having been sent except about four.

376. There are only four, you contend, that have not been paid for?—Yes; the bulk of the others are from other persons to me. I have explained that, and gone through the list as carefully as I possibly can. When the receipts are produced they will show whether, for instance, this one, G. V. Shannon, was paid for or sent as a Government telegram. On the production of the receipts any doubt I have as to the telegrams in this list will be at once removed.

*Mr. Maunsell.*

23th Nov., 1879.

MR. DANIEL MAUNSELL SWORN and examined.

377. *The Chairman.*] You were Private Secretary to Colonel Whitmore?—I was.

378. During the late elections Colonel Whitmore despatched through you a number of telegrams bearing on the elections?—He did.

379. What were your instructions with regard to paying for them?—That any I considered private I was to pay for.

380. Did you pay for such telegrams?—I did.

381. You paid for those you did not consider public?—I did.

382. And you sent none that you considered of a private nature without paying for them?—None.

383. Could you recognize any of the telegrams that were sent by you?—I think I could; Colonel Whitmore generally dictated the telegrams to me.

384. There is one here to Mr. Ballance, with no date; will you look at it, and say whether you recognize it?—That is between a Minister and a Minister, and I would express no opinion upon it.

385. Was that sent by you?—I rather think it was.

386. Then there is another one to Mr. Ballance on the 13th August?—I could not say anything about that telegram; I do not recollect it.

387. *Mr. Saunders.*] I understand you to say, from what you state, that in the case of a telegram from one Minister to another you would not inquire at all?—Not at all.

388. You would send it as a matter of course?—Yes, as a matter of course.

389. There is another telegram to Major Porter; did that pass through your hands?—Certainly. I consider that a public telegram; and as to the one to Mr. Ballance of the 23rd August, I think I recollect that, and that it was sent as a public telegram.

389A. Do you consider that a public telegram?—I do. There is matter in it which is on public service.

390. Sufficient to warrant you in sending it?—Sufficient to warrant me in calling Colonel Whitmore's attention to it, in paying for it, and in afterwards reclaiming the money.

391. Generally the question was left to you to decide?—Telegrams were given to me to make one telegram, and then I might have to repeat it in other ways, or to send it on; and if I considered it a private telegram I had to pay for it.

392. *Mr. Turnbull.*] If the telegram were between a Minister and a Minister you would not question it at all?—No; I would not consider the question at all. I never have as a Private Secretary.

393. *Mr. Wakefield.*] Colonel Whitmore did not give you any instructions?—I do not think I had any instructions, any more than my experience of the work of a private secretary in other countries.

393A. Then Colonel Whitmore did not instruct you as to whether the telegrams were to be considered private or public?—Certainly he did, frequently.

394. You said he was in the habit of giving you telegrams and leaving you to decide whether they were to be public or private?—When he said nothing on the matter I decided.

395. But he did frequently, in sending telegrams, say, these are private telegrams?—He did; he would say, "That is a private telegram."

396. Then there was no uniform practice?—No uniform practice.

397. If he did not tell you, you would use your own discretion?—I did.

398. Did you ever know a telegram to be sent back to Colonel Whitmore on the ground that it was sent as a public telegram when it was a private telegram?—I have.

399. How many times?—Several times. In every case they were sent back to me.

400. And in every case Colonel Whitmore insisted on their being sent as public telegrams?—They were to be sent. A telegram was not to be delayed when it was from a Minister; but if it was a question of payment it was to be demanded afterwards. There would be no delay in sending a Minister's telegram in view of the department.

401. *Hon. Mr. Gisborne.*] Do you know that in all cases in which payment was demanded that payment was made?—It was.

402. In how many cases?—I think three, certainly two.

403. *Mr. Pitt.*] Did you send any telegrams for Colonel Whitmore during the late elections elsewhere than from Wellington?—I did not. I was in Wellington when Colonel Whitmore was away.

404. *Mr. Turnbull.*] I understand you to say that a Minister's telegram could not be delayed, do I understand you to say that it would have the preference?—No; but the Minister might be away, and it was understood that the telegram was to be sent and the money paid afterwards.

405. *The Chairman.*] The telegram was not to be delayed by reason of its not being paid?—It was not to be delayed.

406. *Mr. Turnbull.*] And if you thought it was necessary you would mark "Urgent"?—Yes; I have paid four times, double rates for Sunday, and double rates for urgent.

Mr. EBENEZER FOX sworn and examined.

407. *The Chairman.*] You were Private Secretary to the late Premier, Sir George Grey?—Yes.

408. Sir George Grey despatched his telegrams through you?—Almost invariably.

409. All, I suppose, public and private?—Yes.

410. Was there any rule as to the payment of private telegrams?—The rule was that I did just that which I pleased.

411. It was left to your discretion to say whether they were public or private, and to act accordingly?—Entirely. I might tell the Committee how that came about. When there was first a question about a private telegram, Sir George Grey asked me what I had been in the habit of doing. I told him, and he said he had been in the habit of giving Mr. Mitchell money in advance. I requested him to leave it to me to ask him for what I expended, and to leave it to me also to decide whether a telegram was private or public. He said he was willing to do that, but he must make one condition—I was not to put him into a mess. I told him he might be perfectly certain I would not do that; for wherever the question was at all doubtful, I would make him pay.

412. How long have you been acting as Secretary to the Cabinet?—To the Cabinet, only about four years; to the Premier or a Minister, for the whole time I have been in the service, nearly ten years.

413. Were you confidential secretary to any Minister during previous elections?—It chanced that this last was the only election during my period of service that I have been in New Zealand. I was away during the elections of 1871 and during those of 1875.

414. *Mr. Pitt.*] Were you with Sir George Grey, out of Wellington, during the late elections?—No; not at all.

Mr. WILLIAM MITCHELL sworn and examined.

415. *The Chairman.*] You have been acting as Confidential Secretary and shorthand reporter to the late Premier, Sir George Grey?—I have.

416. You accompanied him generally in his travels through the country?—I did.

417. Has he been in the habit of sending all his telegrams through you while on his travels?—Yes.

418. Would you state the rule which you acted upon with regard to payment?—Any telegrams which I considered private I paid for, and entered in a book, and at the end of the journey I made up a statement of the expenditure incurred during the trip, including those items in it.

419. Then it was left absolutely to you to decide what should, and what should not, be paid for?—Yes.

420. *Mr. Pitt.*] Was that during these late elections?—Yes.

Dr. LEMON, General Manager of Telegraphs, re-examined.

421. *The Chairman.*] It was stated by Colonel Whitmore that, after the late elections and prior to the House meeting, he requested you to furnish a list of all telegrams, if any, that might have been sent as private telegrams without being paid for, and that he requested you to furnish a list of those, with the view of their being paid for. Did he ask you?—Yes; he did.

422. And what was your answer?—I had one or two that we turned out, and he paid for, apart from the telegram about Mr. Ingles.

423. *Mr. Saunders.*] Can you say how many?—I think about 15s. or 16s. worth. I cannot tell you exactly how many—all he could give me a clue to.

424. Did he ask for none except what he gave you a clue to?—None except with a clue, because he had sent telegrams from places all over the colony.

425. Will you try to give us the cause of your receiving that request?—I will tell you how it originated. Some three or four days after I saw this Ingles telegram I happened to see Colonel Whitmore. I told him that at the time I meant to come and tell him that telegram should be paid for, but it had escaped my memory. I went over the Appendices to the Blue Books, and pointed out the report of the Committee in the telegram libel case. Then he made the request that if any telegrams had been sent as public which should have gone as private, I would get them out and he would pay for them. I said if he could give me anything like a clue I would do so. We then went through his books, and he paid for fifteen or sixteen shillings worth.

426. He expressed a desire to pay for all?—Yes; but it was a difficult thing for the department, not having a clue, to fix upon what should be paid for; but he went to the books, and by the dates we got the original telegrams.

427. *Mr. Wakefield.*] Did you on that occasion decline to make a general search for Colonel Whitmore's telegrams, on the ground that by doing so you would be breaking the law?—No; no such conversation was entered into on my part.

428. You are quite sure?—I am quite sure.

429. No such conversation took place?—No; the only conversation with regard to Colonel Whitmore's telegrams was, as I have stated, when I asked him if he could give anything like a clue, when he went through the books, and he paid some 15s. or 16s.

*Mr. Maunsell.*  
26th Nov., 1879.

*Mr. E. Fox.*  
26th Nov., 1879.

*Mr. Mitchell.*  
26th Nov., 1879.

*Dr. Lemon.*  
26th Nov., 1879.

*Dr. Lemon.*  
26th Nov., 1879.

430. Was there any third party present?—No; Mr. Maunsell may have come in, but we must have been most of the time by ourselves.

431. You are quite sure you did not tell Colonel Whitmore that you would supply him with such of his telegrams as you were able to produce compatibly with your statutory obligations?—No such conversation took place.

432. In fact, you did supply him so far as you were able?—Yes; it would be almost impossible to search through all the telegrams.

433. Then it was not on any legal grounds?—No; the difficulty of picking them out from the places where they were sent.

434. And not any difficulty as to the supposed legality of searching for them?—No, certainly not. It would have been quite possible to have picked out every telegram he sent, but it would have taken a tremendous time.

435. *Mr. Pitt.*] Do I understand that Colonel Whitmore made no request for his telegrams to be withdrawn until after he had seen this report of 1871?—No, not to me.

436. *Mr. Bowen.*] Was that before or after this Parliament?—Before this Parliament; within two or three days after Ingles telegram appearing in the papers.

*Mr. Maginnity.*  
26th Nov., 1879.

Mr. A. T. MAGINNITY, Secretary of Telegraphs, re-examined.

437. *Mr. Wakefield.*] We have been led to think it possible that several of these telegrams, especially those from Mr. Sheehan, which are included in this list as having been sent as Government telegrams, have really been paid for; and you have stated in your former evidence that, to the best of your belief, they were none of them paid for?—None of them were paid for.

438. Are you quite sure that none of them have been paid for?—I am quite positive that none of the telegrams you have there have been paid for.

439. Even if they were intended to be paid by the sender they have not been paid?—They have not been paid for.

440. And the letters "G.T." were put on because the Telegraph Office understood that, though they were private telegrams, the words "Private telegram" were not written on them?—Exactly so.

441. Have you ever heard of a practice in the Telegraph Department of a person receiving a number of wires from another person, the wires not being paid, but being private telegrams, and afterwards getting the Telegraph officers to collect the money when he had gone to another place?—I do not know of any such instance.

442. Such a thing could only be done by private arrangement between the Telegraph Office and the sender?—By private arrangement, because the money would have to be accounted for within a certain time.

443. It would be quite irregular according to the rules of the department?—Yes, it would. It would increase the balance, and the debit balances of the telegraph offices are inspected weekly.

444. From your knowledge of the relations between the Telegraph Office and Ministers, do you not think it likely that if a Minister chose to be irregular, the Telegraph Office would fall into such an arrangement without inquiry?—I think if a Minister went to an office, and the telegraphist knew he was a Minister, the telegraphist would fall into any arrangement he might make.

445. He would let him do as he liked without question?—I do not think so. He might refer the matter to the head office. If the amount was not a large one, he would endeavour to meet the Minister's views as far as possible.

446. Two or three pounds?—Yes.

447. And you would never know anything about it?—We would know nothing about it, unless a query had been made to the debit balance at the station, and then the officer might offer this as an explanation.

448. Suppose such an arrangement existed, and the telegraphist were inadvertently, or of his own judgment, to despatch any number of private telegrams of a Minister as Government telegrams, would you consider he was to blame?—No; I should not feel disposed to blame the telegraphist.

449. You would consider that the whole responsibility rested with the sender?—That it rested with the Minister.

450. *Mr. Bowen.*] If it came to your knowledge that a Telegraph clerk was in the habit of giving credit to a Minister, would you pull him up?—Well, in the case of a Minister, I do not think I would, unless it were a long credit. If he had any difficulty in collecting the money, of course I should instruct him not to give credit; but there is a certain amount of respect due to a Minister which the department would always recognize.

451. *The Chairman.*] Can you furnish the exact cost of the fifty-six telegrams sent by Ministers, and the twenty-one received by them?—I could give the exact cost.

452. I should like the cost of those received and those sent away shown separately?—Yes, I will furnish that.

453. *Hon. Mr. Gisborne.*] Is credit given by the Telegraph operators to the Press agencies?—To the Press agencies, and also to the newspapers.

454. Is that done under regulation?—No, not under regulation, but the department has approved of it. The money is collected on the following morning.

455. Has the Telegraph operator any right to send a message on public service, unless it is marked on public service?—Government telegrams, as a rule, are not marked; they are sent to the office, and the code mark is put on them.

456. Has any operator power to send telegrams on public service unless they are franked by some authorized person?—Yes, he is justified, because no regulations have been issued with regard to sending telegrams. They have a list of franking officers to guide them.

457. What is the rule?—Telegrams sent by officers entitled to frank are sent on Government service.

458. Whether they are on private service or not?—If they are on private service the money should be paid at the time. *Mr. Maginnity.*

459. But if not?—If not they send them as Government telegrams.

460. That has not been the rule in the Post Office?—No, it has not.

461. *Mr. Saunders.*] You stated in your evidence lately that the telegram sent to Mr. Ingles, which came to light accidentally, was the only telegram which had been paid for and withdrawn since?—The only one I am aware of.

462. You do not speak positively?—There may possibly be another, but it has not been withdrawn through me.

463. You mean that is the only one that you know of?—Yes, that is the only one I know of.

464. *Mr. Montgomery.*] I see here is a memorandum handed in respecting the money for certain telegrams, which a telegraphist has asked another telegraphist to collect?—That is from the counter-clerk at Grahamstown, asking Auckland to collect some money due. “Mr. Sheehan went away early; please collect from him £1 18s. 4d. due to this office.” If that £1 18s. 4d. was not paid at the end of the week, it would increase that officer’s balance, unless he paid it out of his own pocket.

465. If there were six telegrams sent marked “Private wire” on the same day, and five of them were charged to Mr. Sheehan, but one not charged, and that one appeared in the copies here, would you consider that was the fault of the Telegraph Office?—No; I do not recognize the instruction “Private wire” at all. If the telegraphist sent it as a Government telegram, I think the responsibility would rest with the sender. The ordinary recognized rule is that the money is to be paid at the time of presentation. That has been our only guide.

466. *The Chairman.*] But how would you account for the circumstance of six or seven telegrams all being marked “Private,” and one of them being missed?—That would be an oversight on the part of the counter-clerk coding them. Would you permit me to make a suggestion to the Committee before I leave, namely, that, in reporting, they will make some suggestion to the House about the production of Government telegrams in future.

467. *Hon. Mr. Gisborne.*] You say the operator sends a telegram as a public telegram if sent by a person who happens to be a Minister or by a franking officer?—He sends it as a Government telegram.

468. Suppose I send a telegram signed with my name by a messenger with one shilling, and the messenger does not deliver the shilling, would the operator send that as a Government telegram, though it was private matter?—Yes, he would send it as a Government telegram if you were a Minister. There is a regulation to be issued on the subject now.

469. Do you mean that he would send it as a Government telegram though I had sent one shilling by a messenger?—In the first place, all telegrams are supposed to be presented at the office.

470. *Mr. Montgomery.*] If it were marked “Colonial Secretary” or “Treasurer,” would that get over the difficulty?—Yes; and we make provision now in the regulations that they are to be marked with the official designation of the franking officer.

Mr. H. D. JOHNSON sworn and examined.

472. *The Chairman.*] You have been Private Secretary to Mr. Sheehan?—I have.

473. Has he been in the habit of sending his telegrams through you?—He has.

474. And what has been the rule with regard to payment?—Payment has been made either daily or periodically for private wires. Sometimes payment was not made on the actual day, but the account was sent in by the Telegraph Department and paid. The wires were marked either “Government” or “private,” as the case might be.

475. Was that in Wellington only?—Everywhere.

476. You accompanied Mr. Sheehan when he was away from Wellington?—Yes; I joined him shortly before he started north. Mr. Moss was his Private Secretary, and when he became ill I was drafted from the office to take his place.

477. You say it was the invariable rule that the private telegrams account was sent in every two or three days?—They sent in the account generally next morning. If in travelling we omitted to pay through pressure of business, they forwarded the account on to the next place.

478. You were an amanuensis?—Myself and Mr. Berry.

479. *Mr. Turnbull.*] Did you take the telegrams to the office?—They were generally sent by a messenger.

480. Did you ever have any question about what a private wire was?—Never.

481. It was understood they were paid for by Mr. Sheehan?—Yes.

482. *Mr. Pitt.*] Do I understand that the words “private wire” were put on them?—All that Mr. Sheehan was to pay for were so marked.

483. If “private wire” were not on them he intended they should be sent as public telegrams?—Yes. After Mr. Sheehan had dictated the telegrams to Mr. Berry, who was the shorthand writer, Mr. Sheehan never saw them. It was left to us to send them on as private or public, as the case might be. We signed his name.

484. *Mr. Bowen.*] Was that taken at the telegraph office without any question?—Yes.

485. *Mr. Wakefield.*] How long have you been in the public service?—Since last June.

486. In what capacity?—As clerk and interpreter.

487. You had never been in the public service before?—Never.

488. And you became Private Secretary?—Simply on account of the illness of Mr. Moss.

489. *Mr. Bowen.*] I understand you to say that sometimes you signed, and sometimes another person?—Yes; Mr. Berry.

490. Were there two who were at the same time signing his name?—Mr. Berry and myself.

491. The Telegraph Department would take either of your signatures?—Yes.

492. And ask no questions. Any one else might have gone and signed his name, and they would have taken it?—They were enclosed in a Government envelope.

*Mr. Johnson.*

26th Nov., 1879.

*Mr. Johnson.*  
26th Nov., 1879. 493. You might have taken them down without an envelope?—I might on one or two occasions. I think in Auckland I did so, but the practice was to enclose them in a Government envelope.

494. *Mr. Pitt.*] Were you personally known to the Telegraph officials?—No; I was not.

MR. WILLIAM BERRY SWORN and examined.

*Mr. Berry.*  
26th Nov., 1879. 495. *The Chairman.*] What capacity did you hold in regard to the late Native Minister?—I travelled with him, doing shorthand work, and sent off his telegrams and letters.

496. As shorthand writer?—Yes.

497. What instructions had you with regard to paying for telegrams?—Just before the dissolution Mr. Sheehan said there would be a number of electioneering telegrams of a private nature, and we had better get a private wire-book. I got one on the 6th August, in which I entered all private wires, and from that time up to the meeting of Parliament we entered and kept copies of all private wires before sending them to the telegraph office. The telegraphist would send a memorandum in the afternoon or the evening, when the amount was paid to the telegraph messenger.

498. *Mr. Wakefield.*] Was it left to your discretion to say whether a telegram should be considered a private wire or a Government telegram?—To my own and the person who was writing with me, the Private Secretary.

499. *The Chairman.*] Mr. Sheehan dictated to you what he wanted to say, and you took it down in shorthand, and then it rested with you and Mr. Johnson to write the telegrams and send them away?—Yes.

500. Did you sign Mr. Sheehan's name?—Yes; Mr. Sheehan seldom saw the telegram unless it was on an important matter. If it was doubtful, we showed the telegram to Mr. Sheehan before we despatched it.

501. *Mr. Pitt.*] If you did not mark a telegram "Private wire," was it intended to go as a Government telegram?—Yes.

FRIDAY, 28TH NOVEMBER, 1879.

*Mr. Maginnity*  
and  
*Mr. Sheehan.*  
28th Nov., 1879. MR. A. T. MAGINNITY, Secretary of Telegraphs, and MR. SHEEHAN, M.H.R., re-examined.

502. *Mr. Sheehan.*] I want to ask, Mr. Maginnity, whether Mr. King is a person authorized to frank telegrams?—No. Mr. King is not authorized to frank. This one he sent is a reply to a Government telegram No. 44.

503. Is it the practice of the Telegraph officers to transmit messages free, in reply to Government telegrams, from persons not authorized to frank?—No; but I should add to that, it would be necessary for me to look up this Government telegram No. 44, in order to see what instructions were contained in it.

504. Then, assuming there were no instructions, "Reply paid," or authority to frank, it should have been the duty of the telegraph office at Auckland to demand payment of that wire?—Yes; or to have refused it.

505. *The Chairman.*] Have you got a copy?

*Mr. Sheehan:* I have the original.

506. Does the original require a reply or authorize one?

*Mr. Sheehan:* I have not got the message to which that is a reply.

*Mr. Maginnity:* I have just given evidence that it would be necessary for me to look up that telegram No. 44 to see whether the officer was justified or not in receiving it without payment. It would be necessary for me to see the Government telegram in order to ascertain whether any instructions were given whereby the officer in Auckland would be authorized to receive it as he does any other.

507. *Hon. Mr. Gisborne.*] Do I understand you to say that if a Minister sends a telegram to another person which requires an answer, unless he puts on it "Reply free," giving that person authority to reply free as a Government telegram, the telegram can be sent free?—No, he could not. There must be some instruction in the original telegram to enable him to reply.

508. *The Chairman.*] May I ask you, Mr. Sheehan, whether the telegram to which that is a reply did contain authority?—I could not say. I had to send so many telegrams at that time.

509. Have you got a telegram from Colonel Whitmore of the 12th September?

*Mr. Sheehan:* I have no objection to the Committee reading this telegram, though it is "strictly private and confidential." It is so marked by me, and was paid for by me. "Wellington, August 6th, 1879.—John King, Auckland.—Strictly private and confidential. I decline myself to stand for blank against blank. I feel so much disgusted with blank that I shall not stand. Wire me." That is a private wire paid for by me. I have no objection to take this wire out, and leave it.

510. *Mr. Wakefield.*] Was that sent from Wellington?—Yes.

511. *Mr. Bowen.*] Mr. Maginnity, why was that telegram of Mr. King's sent back as a Government telegram?—I could not say, unless I turned up the original, No. 44.

512. *Hon. Mr. Gisborne.*] Cannot you turn it up, because that is what the whole thing depends on. Have you got it here?—No, I have not got it here.

*Mr. Sheehan:* Here is another telegram, I see, on the same day, 6th August, 1879. "Private wire." It is another telegram to the same person. (Telegram read.)

513. *Hon. Mr. Gisborne.*] Is that charged as a public telegram?

*Mr. Sheehan:* No, it is charged as a private telegram. Wire No. 12 of the 6th August, is marked "Urgent," not "O.P.S.," and a receipt is given for it, probably by some one in the Library. It is not marked "Collect." Then on 2nd September there is another wire from Colonel Whitmore to me, sent from the Wellington office.

514. *The Chairman.*] What do you desire to bring out?

*Mr. Sheehan:* First of all, there are telegrams in the list sent to me, that one of 2nd September to which I have just referred from Colonel Whitmore, is not marked on public service, and not entered as a wire to be collected. It was receipted probably by the Librarian. I think these are his initials,



and therefore, if it was on public service, I had no notice of the fact. That wire is marked "Urgent," but all my public telegrams were marked "O.P.S. only." This one is not so marked, and when it is delivered to me after receipt I am not called upon to pay for it.

*Mr. Maginnity*: Would you ask Mr. Sheehan if he knows that Colonel Whitmore made a practice of marking his telegrams "O.P.S. only."

*Mr. Sheehan*: I could not say. There is nothing on the telegram to indicate to me that it was sent on public service. Then the telegram of the 2nd September is also marked "Urgent and private." It is not marked on Government service. It is from Colonel Whitmore to me. There are two telegrams of the 15th August from Mr. Stout to myself.

515. *The Chairman*.] I do not exactly see what is the point you wish to bring out.

*Mr. Sheehan*: I do not know that I have made myself clear, but the point is this: Amongst the wires which are placed in the list as having been sent by Colonel Whitmore and other persons to me are these, and I am referring to the marks to show whether they were public telegrams or are marked "Private." The practice is, when a telegram is sent to a Minister, to mark it "Collect," and if he finds it is a public wire he marks it "O.P.S. only." I wish to see whether these telegrams have been so marked.

516. That does not affect the question of payment or non-payment.

*Mr. Sheehan*: Of course, I could not give evidence in the case of telegrams transmitted to me. In the case of Mr. King the telegrams were received by the clerk, and it might be so in other cases. [Telegram of 15th, and receipt produced.] This is a copy of a wire from me, on the 13th August, to Mr. Stout, and the Committee will see from the terms of it that he had previously wired me, "Will forward you information required early to-morrow." He had previously wired asking for information relative to land purchases, and I replied, "Will forward you information required early to-morrow." He telegraphed to me on the 15th, "Meeting, Monday night; information not received." This is not marked as a "Government wire."

*Mr. Maginnity*: It is marked "O.P.S.O."

*Mr. Sheehan*: Not in the original by Mr. Stout. He had no authority to telegraph on public service. I telegraphed in reply to that four or five sheets of a telegram which I paid.

517. *Hon. Mr. Gisborne*.] Is that "O.P.S.O." on the original put on at Wellington?—Yes, on the original.

518. When it was presented?—Yes.

*Mr. Sheehan*: Mr. Stout had no authority to frank, and I submit I am entitled to the benefit of the fact that the office chose to receive them.

519. *Mr. Bowen*.] Would you, as an operator or clerk, receive from Mr. Stout, when he was not a Minister, a telegram marked "O.P.S.O."?—I think it is a case where the clerk would take upon himself the responsibility of sending it. It appears to me to be in the same handwriting.

*Mr. Sheehan*: I would point out to the Committee that Mr. Stout's telegram to me, to which this one is a reply, and that one which I paid, were in no sense of the word electioneering telegrams; one was a request for certain information, when he had ceased for three or four months to hold office, and I gave him strictly official information. I do not think it can be looked upon as an electioneering telegram. This being a private telegram, paid for by me, it would not be marked "G.T.," and therefore that and the number 1003 is by the office, not by me. I used no number. I am satisfied, if the Committee is satisfied, that there was no authority from me to frank, nor was I aware that it was sent as a franked wire. There is a telegram from A. McDonald to me on the 15th. When I was giving evidence the other day I thought it was from McDonald of the East Coast, and I have subsequently found that it was from McDonald of Palmerston. I cannot put my hand on the message, but I presume the Committee will permit me to assume that it was a private wire.

*Mr. Maginnity*: It is coded as a Government telegram.

*Mr. Sheehan*: Perhaps Mr. Maginnity could look up 840, to see whether it is a private wire. This original is not marked "O.P.S.O.," and even if it were he would not be entitled to frank.

520. *Hon. Mr. Gisborne*.] Mr. Maginnity, could a person send a private wire to a person marked "Collect"?—Yes, he could.

521. Then does a Minister, if he finds it to be a public telegram mark it "O.P.S.O."?—Yes.

*Mr. Sheehan*: I had a telegram sent to me when I was in office, which was an application for employment, and gave testimonials, and I had to pay 5s. 9d. for it.

*Mr. Maginnity*: If the Minister refuses to pay for it he can collect from the sender, but if the Minister likes to make it a public telegram he can do so.

*Mr. Sheehan*: I would point out that more than half this telegram refers to public business. Mr. McDonald had been in Wellington for the purpose of getting a Native Land Court at Awahuri, and he wanted Judge Young to sit, inasmuch as it was a case of subdivision, and the other Judges declined to sit. I should just like to ask Mr. Maginnity if he can explain, as one of these telegrams marked private wire is just as much public business, how several wires so marked are paid for, while this one is sent as a "G.T.," and so marked.

*Mr. Maginnity*: It would be impossible for me to answer the question, because I can only answer according to the evidence before me, but several messages marked private wire have been sent as Government telegrams. I read a message from the officer at Napier upon one particular telegram.

*Mr. Sheehan*: That is, the 19th August?

*Mr. Maginnity*: Yes.

*Mr. Sheehan*: To Mr. G. V. Shannon, from Napier?—Yes.

*Mr. Maginnity*: I had better perhaps read the telegram. [Telegram read.]

*Mr. Maginnity*  
and  
*Mr. Sheehan*.  
28th Nov., 1879.

## APPENDIX.

### APPENDIX A.

MEMORANDUM for the Hon. the TELEGRAPH COMMISSIONER.

In accordance with your instructions, I have made careful inquiry respecting telegrams addressed to members of the Government, laid before the House as Government telegrams, but which are said to have been paid for as private telegrams.

I find that the whole of them reached Wellington as Government telegrams, and are marked "G.T."

On tracing them back, it is found that Nos. 821, 294, 32, 18, and 223A were originally presented as ordinary telegrams, but, being addressed to places from which Ministers had left, had to be repeated on, and could only be so done as Government telegrams.

Nos. 14 and 27 were presented as ordinary telegrams, but, through errors on the part of the operators in transmitting them, were received at the receiving station as Government telegrams. The most careful inquiry will be made into these errors, and the officers in fault properly dealt with.

Under the above circumstances, I beg to request that the copies of the telegrams in question may be allowed to be withdrawn.

New Zealand Telegraphs, Head Office,  
Wellington, 17th November, 1879.

A. T. MAGINNITY,  
Assistant Secretary.

MEMORANDUM for the Hon. the SPEAKER.

Under the circumstances here stated, I think the copies of the telegrams mentioned should be withdrawn. If Mr. Speaker does not consider himself authorized to allow this, perhaps he will be good enough to send on this report to the Select Committee now sitting on the subject.

JOHN HALL,  
Acting Telegraph Commissioner.

THESE memoranda of the Premier and Mr. Maginnity, the Assistant Secretary of the Telegraph Head Office, are submitted to the Committee appointed to consider the file of telegrams laid on the table of the House.

17th November, 1879.

G. MAURICE O'RORKE,  
Speaker.

### APPENDIX B.

MEMORANDUM for the CHAIRMAN, Election Telegrams Committee.

New Zealand Telegraphs, Head Office,  
Wellington, 26th November, 1869.

THE total value of messages, copies of which have been laid before the Committee, amounts to £36 8s. 10d.

A. T. MAGINNITY,  
Assistant Secretary.