

REPORT

OF

THE SELECT COMMITTEE

ON THE

WORKING AND MANAGEMENT OF THE ELECTRIC
TELEGRAPH DEPARTMENT;

TOGETHER WITH

MINUTES OF PROCEEDINGS AND EVIDENCE.

REPORT BROUGHT UP 10TH NOVEMBER, 1871, AND ORDERED TO BE PRINTED.

WELLINGTON.

—
1871.

ORDER OF REFERENCE.

Extract from the Journals of the House of Representatives.

FRIDAY, THE 15TH DAY OF SEPTEMBER, 1871.

Ordered, That a Select Committee be appointed to examine into the whole question of the working and management of the Electric Telegraph Department, and to report thereon; five to be a quorum; the Committee to consist of the Hon. Mr. Vogel, Mr. Farnall, Captain McPherson, Mr. Johnston, Mr. Pearce, the Hon. Mr. Hall, Mr. Rolleston, Mr. Steward, Mr. Webster, and the Mover; with power to call for persons and papers, but not to have power to inspect telegrams, or to examine officers as to the contents thereof; Report to be brought up within a month.

A true extract.

(On motion of Hon. Mr. Stafford.)

F. E. CAMPBELL, Clerk of House of Representatives.

REPORT OF THE TELEGRAPH ENQUIRY COMMITTEE.

THE Select Committee appointed "to examine into the whole question of the working and management of the Electric Telegraph Department with power to call for persons and papers, but not to have power to inspect telegrams or to examine officers as to the contents thereof," have considered the matters to them referred, and have agreed to the following Report :—

The Committee resolved to investigate all specific charges which had been preferred against the Telegraph Department, and invited information in every direction where discontent was known to have been expressed, with a view to the fullest investigation of the grounds of complaint. The Committee also examined Ministers and officers connected with the Department as to the conduct of the Department.

The accusations against the Department resolved themselves into four distinct charges,—

- (1.) That known as the Bluff Telegram case, being the information received by the steamer "Gothenburg" on the 29th September, 1870.
- (2.) The Hokitika telegram case in reference to the alleged detention of the *Evening Post* telegram on the 8th and 9th September, 1870.
- (3.) The Timaru telegram case.
- (4.) The charge of Ministerial misuse of the Department.

1. The Committee have to report, with respect to the first charge, in which the Government were accused of misappropriating the *Otago Daily Times* telegram for their own information, and of wrongfully conveying the information so obtained to that portion of the press which supported them, that the evidence adduced on the part of the principal accuser and of the Department proves the charge to be entirely without foundation. In the opinion of the Committee the Department acted with impartiality and probity, and the information obtained by the Government on that occasion was derived from ordinary and proper sources.

2. The charge of designedly detaining the *Evening Post* telegram sent from Hokitika on the 8th September, 1870, is proved by the evidence to be entirely unfounded.

3. In the Timaru telegram case, the Minister temporarily in charge of the Department exceeded, as admitted by himself, his authority as Commissioner in obtaining a copy of Mr. Stafford's speech. The Committee consider this a breach of the rules, which should not be repeated. The Committee would at the same time observe that no personal imputation rests on the Hon. the Acting Commissioner in connection with this case, with respect to which an explanation has been given to and accepted by the House.

4. The charge of Ministerial misuse of the Department resolved itself into a charge of Ministers having franked telegrams which should have been paid for. The Committee examined Ministers in respect to the practice of franking telegrams. It appears from the evidence given, that during the late elections a few telegrams were franked by Ministers in matters relating to the elections. For the future the Committee recommend that such telegrams should be considered of a private nature.

The Committee have arrived at the following conclusions, founded upon the evidence taken :—

(1.) That the Telegraph Department has been fairly and honestly conducted, and has been eminently worthy of public confidence.

(2.) That the accusations have been founded entirely on misconceptions and inferences drawn from supposed occurrences which are proved not to have taken place.

(3.) That the principal accuser of the Government and the Telegraph Department (Mr. Barton), should have continued to use the press in reiterating the charges, even after evidence was in his possession which should have disabused his mind—shows, in the opinion of the Com-

mittee, that his mind was warped by previous antagonism to the Commissioner of Telegraphs ; and that the whole of his accusations and beliefs—although by the peculiar circumstances of the case they may have been justified in the first instance—were not justifiable after the evidence which explained away his misapprehensions was in his possession. The Committee desire to record their opinion that the evidence of one witness (Mr. Hart) is an example of the most reckless and wicked conduct ; and that unfounded reports such as those spread by that witness have caused great uneasiness in the public mind as to the integrity of the Telegraph Department, and entailed unnecessary expense on the public.

The Committee, notwithstanding the expense incurred in conducting the inquiry, believe that good has resulted from it, through its having established the integrity of the Telegraph Department.

The evidence taken during the sitting of the Committee, and documents referring to the question, are appended to the Report and Minutes of Proceedings.

E. W. STAFFORD,
Chairman.

PROCEEDINGS OF THE COMMITTEE.

FRIDAY, 22ND SEPTEMBER, 1871.

The Committee met pursuant to summons.

PRESENT :

Mr. Farnall,
Hon. Mr. Hall,
Mr. Johnston,
Captain McPherson,
Mr. Pearce,

Mr. Rolleston,
Hon. Mr. Stafford,
Mr. Steward,
Hon. Mr. Vogel.

The order of reference was read.

On the motion of Mr. Pearce, the Hon. Mr. Stafford was elected Chairman.

The Hon. Mr. Vogel made a statement to the Committee in reference to proposals made by the Government for supplying English telegrams to the newspapers. These proposals were not accepted, and the newspaper proprietors made their own arrangements. It then became very desirable that the Government should be put in possession of any very important items of European news at the earliest possible moment. He (the Hon. Mr. Vogel) therefore caused the Collector of Customs at Hokitika and the Bluff to be instructed to telegraph not exceeding 100 or 200 words of important information.

The Hon. Mr. Stafford read certain questions he proposed asking the Government and Mr. Lemon, the General Manager of the Telegraph Department. The Committee agreed that the questions should be put.

It was ordered, That a copy of the Pamphlet on the subject of the "Telegraph Libel Case" should be furnished to each member of the Committee, with a view to collating charges against the Telegraph Department.

It was ordered, That the following persons be summoned to give evidence before the Committee: Mr. McKenzie, the Collector of Customs at the Bluff, the Telegraph Operator at the Bluff, Mr. Lemon, Captain Pearce of the s.s. "Gothenburg," Mr. Mailer, purser, Mr. Gillon.

It was ordered, That Mr. McKenzie be requested to attend the Committee on Monday, 25th of September, at 12 o'clock noon.

On the motion of the Hon. Mr. Vogel, it was resolved, That the Chairman be requested to communicate with Mr. Macassey and Mr. J. B. Barton, with the view of ascertaining whether either or both of these gentlemen desire to be examined before the Committee, and if so to ascertain what is the nature of the evidence they desire to give; and that the Chairman, if he deems it desirable to do so, should summon one or both as witnesses. The usual allowance to be made if they attended.

The Committee adjourned until 12 o'clock on Monday, the 25th instant.

MONDAY, 25TH SEPTEMBER, 1871.

The Committee met pursuant to adjournment.

PRESENT :

Mr. Farnall,
Hon. Mr. Hall,
Captain McPherson,

Mr. Pearce,
Hon. Mr. Vogel,
Mr. Webster,

The Hon. Mr. Stafford, in the chair.

The minutes of the last meeting were read and confirmed.

The Chairman informed the Committee that, in accordance with a resolution passed at the last meeting, he had sent the following telegram to Messrs. Macassey and G. B. Barton:—

"General Assembly, 22nd September, 1871.

"Select Committee appointed to examine into the whole question of the working and management of the Electric Telegraph Department, and to report thereon, with power to call for persons and papers, but not to have power to inspect telegrams or to examine officers as to the contents thereof." Would you like to be examined before the Committee, and if so, what is the nature of the evidence you would desire to give? Is there any additional evidence not submitted in the case of *Regina v. Barton*, which you could supply? The usual allowance of one guinea per diem while in attendance on the Committee, and travelling expenses to and from Wellington, will be paid. Reply free.

E. W. STAFFORD, Chairman of Committee.

To the above the following reply was received:—

"From J. MACASSEY to Hon. E. W. STAFFORD.

"Dunedin, 22nd September, 1871.

"I am not aware that I could give the Committee any information not disclosed by the proceedings in Mr. Barton's case. Captain Pearce of the "Gothenburg" will be in Wellington in a day or two. I have understood that a former employè of the *Independent*, but who is now on the staff of the *Press*, could give information not yet disclosed.

"JAMES MACASSEY."

MINUTES OF PROCEEDINGS OF THE

The Chairman said, in reference to the above telegram, that, acting on the discretionary power given him by resolution of the Committee, he had not considered it necessary to summon Mr. Macassey to Wellington.

The Committee concurred with the Chairman.

The following reply was received from Mr. G. B. Barton to the Chairman's telegram:—

“Queenstown, 23rd September, 1871.

“Although I am anxious to attend the Committee on the Telegraph Department, yet the absence from my business here in attending would be too great inconvenience. I am afraid, therefore, that I shall be unable to leave. I think I could give material evidence on the question opened, more especially on the question of Ministerial influence (on) the administration of the telegraph. Could not my statement, verified by affidavit, be received by the Committee? The affidavit might be made before the R.M. here, and transmitted to Wellington by him under instructions from the Committee.

“G. B. BARTON.”

A discussion ensued as to whether Mr. Barton's evidence should be taken on affidavit or not; and on the motion of Mr. Pearce it was resolved, That Mr. G. B. Barton be summoned to give evidence before the Committee, and be also requested to give the names of persons (if any) able to support the charge he makes by implication of improper Ministerial influence in the management of the telegraph.”

In accordance with the above, the Chairman was requested to summon Mr. Barton at once, and to inform him by telegram that the summons was on its way to him by steamer.

Mr. McKenzie was introduced and thanked for his attendance, but informed that the Committee did not propose to take his evidence for the present.

On motion of the Hon. Mr. Hall, it was resolved, That the Directors of the *Daily Times* Company be informed of the purposes for which the Committee has been appointed, and be told that the Committee will be glad if the directors will instruct some person to bring before the Committee any complaint which they may desire to make on the subject of abuses in the Telegraph Department.

The Hon. Mr. Vogel laid before the Committee two letters, dated 20th August, 1870, containing instructions to the Collector of Customs at the Bluff and at Hokitika, to telegraph any important items of European news. Mr. Vogel called attention to the limit of news to be telegraphed being about 100 words, not 200 as he had stated at the last meeting.

The Hon. Mr. Vogel suggested that Mr. Lemon, the General Manager of the Telegraph Department, should be present at the Committee while witnesses were being examined; and, on the motion of the Hon. Mr. Hall, it was resolved, That during the inquiry into any complaints against the Telegraph Department, a representative of that Department be allowed to be present and produce witnesses.

Mr. Lemon being in attendance was introduced, and having informed the Committee that he held the written permission of Mr. McKenzie of the *Wellington Independent*, and the proprietor of the *Evening Post*, handed in the following documents:—

1. Containing “forward and received” press telegram (in original) to *Independent*, Wellington, from *Star*, Dunedin, dated 30th September, 1870.
2. Containing “forward and received” press telegrams (in original) also transmitted copy from White's Bay to *Independent*, from Hutton, Bluff, 30th September, 1870.
3. Copy of *Independent* extra, of 30th September, 1870, and their issue of 1st October, 1870, containing English telegrams.

Mr. Lemon also laid before the Committee a copy of the regulations for the management of the Telegraph Department.

Mr. Lemon was then examined by the Committee, his evidence was taken down, and it was ordered that a copy should be attached to the proceedings.

The Committee adjourned.

TUESDAY, 26TH SEPTEMBER, 1871.

The Committee met pursuant to summons.

PRESENT :

Hon. Mr. Hall,
Mr. Pearce,
Mr. Rolleston,

Hon. Mr. Vogel,
Mr. Webster.

Hon. Mr. Stafford in the Chair.

The Chairman suggested that an interim report be submitted to the House, stating that the Committee has resolved that Captain Pearce, of the steamer “Gothenburg,” be summoned to give evidence, and, with that object, requesting the House to authorize the Committee to sit, if it should seem expedient so to do, during the time when the House is sitting.

The Committee requested the Chairman to bring up an interim report in accordance with the above suggestion.

The Chairman stated that he had been informed of another charge against the management of the Telegraph Department which it would be desirable for the Committee to investigate. The charge was to the effect that a telegram from Hokitika, intended for the *Evening Post*, had been detained for a whole night, and that during such detention the information contained in the telegram had been handed over to the *Independent*.

The Hon. Mr. Vogel moved, and it was resolved, That the Chairman be requested to communicate by telegram to Mr. George Bell, of the *Evening Star*, Dunedin, in the same terms as were used in the telegrams to Mr. Macassey and Mr. G. B. Barton.

The Committee adjourned.

WEDNESDAY, 27TH SEPTEMBER, 1871.

The Committee met pursuant to summons.

PRESENT:

Mr. Farnall,
Captain McPherson,
Mr. Steward,Hon. Mr. Vogel,
Mr. Webster.

Hon. Mr. Stafford in the Chair.

The minutes of the last two meetings were read and confirmed.

Captain Pearce, of the s.s. "Gothenburg," being in attendance, in obedience to summons by the Chairman, was introduced. A letter from Captain Pearce to Mr. Larnach, of the Bank of Otago, denying the accuracy of Mr. O'Toole's statement, *in re Regina v. Barton*, as to the source from whence he (Mr. O'Toole) had derived the European news he telegraphed to Wellington on the 30th September, 1870, was read, and the original placed in the possession of the Committee.

Mr. G. McLean, M.H.R. (on behalf of the Directors of the *Daily Times*), and Mr. Lemon (as General Manager of the Telegraph Department), being present in accordance with a Resolution of the Committee of the 25th instant,—Captain Pearce was examined by the Chairman, Members of the Committee, and Messrs. McLean and Lemon. His evidence was taken down and ordered to be attached to the proceedings.

Captain Pearce then withdrew.

The Chairman drew the attention of the Committee to the 6th clause of "The Parliamentary Privileges Act, 1865," by which Committees are empowered to administer oaths to witnesses examined by them. The question as to whether this course should be adopted on future occasions, was postponed for further consideration.

The Chairman requested the members of the Committee, and all those who may be present during its sittings, to bear in mind that by the Standing Orders it was not permissible for any documents or any evidence to be made public until reported to the House.

Mr. Lemon having shown authority from the Manager of the *Otago Daily Times* to produce certain telegrams conveying English news on the 30th September, 1870, laid the same before the Committee. Containing "forward and received" press telegrams, also "transmitted" copy to *Evening Post*, Wellington, from Agents of Nichol and Tucker, Bluff. Also "received" copy of *Daily Times* telegram, same as above, 30th September, 1870.

Mr. Lemon then withdrew.

The Chairman laid before the Committee the following telegrams he had sent to Mr. Barton, under resolution of the Committee of 25th instant—

"General Assembly, 25th September, 1871.

"In consequence of the statement in your telegram that you could give material evidence on the question of Ministerial influence in the administration of the Telegraph Department, the Committee of Inquiry have decided that your presence at Wellington is necessary.

"A formal summons for your attendance here on Tuesday, the 10th of October, has been forwarded to you to-day by the 'Phœbe.' If, however, you can make it convenient to attend before that date, the Committee will be glad to receive your evidence immediately on your arrival, so that your detention may be as short as possible.

"E. W. STAFFORD,

"Chairman of Committee."

Second Telegram to Mr. Barton, same date.

"The Committee of Inquiry on the management of the Telegraph Department would feel obliged by your giving the names of any persons able to support the charge of improper Ministerial influence in the management of the Telegraph Department.

"E. W. STAFFORD,

"Chairman of Committee."

The following was Mr. Barton's reply to the above:—

"Queenstown, 26th September, 1871.

"I do not think that I can mention the names of any witnesses who can support the charge referred to. May I again ask you whether the Committee cannot dispense with my personal attendance at Wellington, on the grounds that it would subject me to serious loss and inconvenience, and that the evidence which it is in my power to give might be taken on oath before a Commissioner here.

"My engagements extend over a fortnight, and cannot be broken without difficulty. I may be allowed to urge that the loss I have already sustained in this matter shall entitle me to some consideration.

"G. B. BARTON."

It was resolved, That the Chairman be requested to call a special meeting of the Committee to take into consideration the question submitted by Mr. Barton.

The Committee adjourned until to-morrow (Thursday).

THURSDAY, 28TH SEPTEMBER, 1871.

The Committee met pursuant to adjournment.

PRESENT:

Mr. Farnall,
Hon. Mr. Hall,
Captain McPherson,
Mr. Pearce,Mr. Rolleston,
Hon. Mr. Vogel,
Mr. Webster.

Hon. Mr. Stafford in the Chair.

The telegrams from Mr. J. B. Barton, of 23rd and 25th instant, were read by the Chairman, when

a discussion ensued on the subject referred to therein; and, on the motion of Mr. Pearce, it was resolved, That, inasmuch as Mr. Barton states in his first telegram that he thinks he can give material evidence, and in his second telegram says he does not think he can mention the names of any witnesses who can support the charge referred to, viz., the question of Ministerial influence in the administration of the Telegraph, his presence before the Committee cannot be dispensed with; but that, in consequence of the business engagements referred to by Mr. Barton, if a delay in his attendance for four or five days will relieve him from pecuniary loss, the Committee is willing to extend the time fixed for his attendance for five days, but no longer.

The Committee adjourned until to-morrow at 12 o'clock.

FRIDAY, 29TH SEPTEMBER, 1871.

PRESENT :

Mr. Farnall,
Mr. Johnston,
Captain McPherson,
Mr. Pearce,

Mr. Rolleston,
Hon. Mr. Vogel,
Mr. Webster.

Hon. Mr. Stafford in the Chair.

The minutes of the last two meetings were read and confirmed.

The Chairman reported that, in accordance with the resolution passed by the Committee yesterday, he had forwarded the following telegram to Mr. G. B. Barton:—"General Assembly, 28th September, 1871.—The Committee of Inquiry having considered your telegram of the 26th instant, have resolved that, inasmuch as you state in your first telegram that you can give material evidence, and in your second telegram you say you do not think you can mention the names of any witnesses who can support the charge referred to, viz., the question of Ministerial influence in the management of the Telegraph, your presence before the Committee cannot be dispensed with; but that, in consequence of the business engagements referred to by you, if a delay in your attendance for four or five days will relieve you from pecuniary loss, the Committee will extend the time fixed for your attendance to the 16th October."

The Chairman stated that, in consequence of the limit of the extension of the time named by resolution of the Committee for Mr. Barton's attendance falling on a Sunday, viz., the 15th October he had in his telegram fixed on Monday, the 16th October, for Mr. Barton to be at Wellington.

The Chairman laid before the Committee the following telegrams (two) he had received from Mr. George Bell, of the *Evening Star*, Dunedin, having reference to the telegram he (the Chairman) had sent to Mr. Bell, under resolution of the 26th instant:—

"Dunedin, 27th September, 1871.

"The evidence I could give is as to the facts connected with the transmission to the *Independent* of the telegram of English news on 30th September, which formed the basis of the charge by the *Daily Times* against the Government. Most of the facts within my knowledge formed no part of the evidence taken in the Magistrate's Court, and really simply explained the whole matter.

"G. BELL."

Second Telegram.

"Dunedin, 28th September, 1871.

"Is it understood that I am to proceed to Wellington?"

"G. BELL."

The following reply was sent on the 28th to Mr. Bell by direction of the Chairman:—

"General Assembly, 28th September, 1871.

"The Chairman of the Telegraph Inquiry Committee directs me to say that the Committee has not yet decided whether it thinks your presence before it necessary or not. Will telegraph to-morrow."

The question of Mr. Bell's attendance before the Committee was then considered, and it was resolved, That Mr. Bell be informed that it is necessary for him to attend at Wellington.

On the motion of Mr. Webster, it was resolved, That Mr. Martin, of Invercargill, be summoned to give evidence as to the telegrams of the *Otago Daily Times*, opened on board the "Gothenburg" on or about the 29th September, 1870, by which vessel he was at the time a passenger.

The Committee adjourned.

THURSDAY, 5TH OCTOBER, 1871.

The Committee met pursuant to summons.

PRESENT :

Mr. Farnall,
Captain McPherson,

Mr. Steward,
Mr. Webster.

Hon. Mr. Stafford in the Chair.

The Chairman reported that he had received a note from Hon. Mr. Vogel stating that he was too unwell to-day to leave his house.

The minutes of the last meeting were read and confirmed.

Mr. Lemon, for the Telegraph Department, and Mr. Bathgate, for the *Otago Daily Times*, were present to watch the proceedings.

Mr. Lemon laid further papers before the Committee, containing "forward and received telegrams" (original), to the *Star*, Dunedin, from the *Southland Times*, Invercargill. Also, copy of the *Dunedin Evening Star*, of 30th September, 1870.

Mr. George Bell, Editor of the *Dunedin Evening Star*, being in attendance, was introduced, and, having been sworn, was examined. His evidence was taken down and ordered to be attached to the proceedings.

Mr. Bell then withdrew.

The Chairman read the following telegram he had received from Mr. J. B. Barton, in reply to the one sent on 28th September:—

“Queenstown, 29th September, 1871.

“Accept extension of time with thanks. As to witnesses, my reply was written under the impression that the Committee required witnesses who could give evidence as to other facts than those within my knowledge. If the Committee will allow me to examine witnesses before them for the purpose of confirming my own statement, I should be glad to do so, and I would mention the following names:—Mr. Vogel, Mr. Lemon, Mr. Reeves, M.H.R., Mr. White, M.H.R., Mr. Gifford, Mr. Gillon, Mr. Hart (reporter on the *Independent* last Session), Mr. James Wood (*Hawke's Bay Herald*), Mr. McKenzie and Mr. Hay (*Independent*), Mr. Montrose (Greville's Agent). Messrs. Wood and McKenzie should be required to produce files of their papers for September, 1870. I may be able to communicate further on this subject from Dunedin.

“G. B. BARTON.”

With the permission of Mr. Bell, of the Dunedin *Star*, Mr. Lemon was instructed to procure and lay before the Committee the first telegram received on 30th September, 1870, by the *Evening Star* from the *Southland Times*.

The Committee adjourned until to-morrow.

FRIDAY, 6TH OCTOBER, 1871.

The Committee met pursuant to adjournment.

PRESENT:

Mr. Farnall,
Captain McPherson,
Mr. Pearce,

Mr. Rolleston,
Hon. Mr. Vogel,
Mr. Webster.

Hon. Mr. Stafford in the Chair.

The minutes of the last meeting were read and confirmed.

Mr. Lemon and Mr. Bathgate were present.

In accordance with the instructions given yesterday, Mr. Lemon laid before the Committee the first telegram “received and forward” by Dunedin *Evening Star* on 30th September, 1870.

Mr. C. F. de Salis O'Toole, Sub-Collector at the Bluff, being in attendance, was introduced, and, having been sworn, was examined. His evidence was taken down and ordered to be attached to the proceedings.

In consequence of a statement made by Mr. O'Toole in his evidence, having reference to the copy of a telegram of English news shown to him by a Mr. T. R. Fordham, hotel-keeper, at the Bluff, the Committee resolved, That the Chairman be requested to ask Mr. Fordham if he has any objection to the Committee being furnished with the telegram it was stated he had shown to Mr. O'Toole, who said that it had been sent by Mr. Fordham to Hokitika with news received by the “Gothenburg” on her arrival at the Bluff on 30th September, 1870.

Mr. O'Toole then withdrew.

The Committee adjourned until Monday.

MONDAY, 9TH OCTOBER, 1871.

The Committee met pursuant to adjournment.

PRESENT:

Mr. Farnall,
Mr. Johnston,
Captain McPherson,

Mr. Pearce,
Hon. Mr. Vogel,
Mr. Webster.

Hon. Mr. Stafford in the chair.

The minutes of the last meeting were read and confirmed.

Mr. Lemon and Mr. Bathgate were present.

The Chairman informed the Committee that he had, in accordance with resolution passed at the last sitting, forwarded the following telegram to Mr. T. R. Fordham, hotel-keeper, at the Bluff:—

“General Assembly, 6th October, 1871.

“Mr. O'Toole, in examination before Telegraph Inquiry Committee, has stated on oath that you showed, and gave into his possession for some days, copy of a telegram which you told him you sent from the Bluff to Hokitika, containing news received by the ‘Gothenburg’ when she arrived at the Bluff on the 29th September, 1870. Have you any objection to that telegram being produced to the Committee?”

To which he had received the following reply:—

“Bluff, 6th October, 1871.

“Telegram sent to Chesney and Co., Hokitika. Copy of same in Mr. O'Toole's possession taken from my file. I instructed him not to make use of same in the libel case Barton and others. No objection to that telegram being produced.

“THOS. R. FORDHAM.”

Mr. Lemon read the following telegram he had sent to the operator at the Bluff, and the reply he had received thereto:—

“Wellington, 7th October, 1871.

“Go and ask Mr. Fordham if he would kindly tell me from what source he obtained the information he telegraphed Mr. Chesney on 30th September, 1870. Also if Mr. O'Toole copied that information from written or printed paper for him, as I see by original telegram it is written by Mr. O'Toole, but signed by Mr. Fordham himself. You may say that it is of the utmost importance, in order that I may be able to vindicate the integrity of the Bluff Office that I should be supplied with the above, and trust he will not allow any false feelings of delicacy to stand in his way, and more especially as Mr. O'Toole wrote the telegram in question for Mr. Fordham. If you can, get Mr. Fordham to show you the paper or written document from which Mr. O'Toole copied the telegram for him.

“C. LEMON.”

REPLY.

"The Bluff, 7th October, 1871.

"Mr. Fordham obtained the information in his telegram to Chesney from a friend of his on board the 'Gothenburg.' Fordham declines to give any name. Mr. O'Toole has now in his possession the original document in the handwriting of Fordham's friend (from whom part of the message was compiled), the other part of which was compiled from the second edition of the *Argus*.

"MOUNTFORT."

Mr. Lemon laid before the Committee the original telegram sent by Mr. Fordham to Hokitika on 30th September, 1870; as also the original telegram sent by Mr. O'Toole to the Commissioner of Customs on the same day.

It was resolved, That Mr. O'Toole should be recalled for further examination.

Mr. O'Toole was accordingly introduced; his evidence given before the Committee on the 6th instant was read to and signed by him; and having been sworn, he was again examined, his evidence was taken down and ordered to be attached to the proceedings.

Mr. O'Toole then withdrew.

The Chairman read the following telegram he had received from Mr. G. R. Hart, now on the *Press* at Christchurch, but formerly a Reporter to the *Wellington Independent*, from whom Mr. Barton said corroborative evidence could be obtained of certain statements he would make to the Committee, and whom he (Mr. Barton) wished to examine before the Committee:—

"Christchurch, 9th October, 1871.

"Telegram received. The only evidence I can give is that I knew from what I heard in the *Independent* Office, that the *Post's* message had been detained until the one addressed to the *Independent* came through; but am unable to swear to the details as to how I became aware of the fact. If you think this is of any use I will come."

"G. R. HART."

It was resolved, That as Mr. Barton had requested that Mr. Hart should be examined before the Committee, the Chairman be desired to inform Mr. Hart that his attendance at Wellington is required. The Committee adjourned until to-morrow.

TUESDAY, 10TH OCTOBER, 1871.

The Committee met pursuant to adjournment.

PRESENT :

Mr. Farnall,
Captain McPherson,
Mr. Rolleston,

Mr. Steward,
Mr. Webster,

Hon. Mr. Stafford in the chair.

The minutes of the last meeting were read and confirmed.

Mr. Bathgate and Mr. Lemon were present.

Mr. W. L. Mailer, who was purser on board the "Gothenburg" during September of 1870, being in attendance, was introduced, and having been sworn was examined. His evidence was taken down, and ordered to be attached to the proceedings.

Vide Appendix.

A document (marked A), dated Melbourne, 24th September, 1870, purporting to be portion of a telegram sent to the *Wellington Independent* from the Bluff, was identified by Mr. Mailer, as being in his handwriting, and as having been handed in by him to the telegraph operator at the Bluff, on 30th September, 1870.

Mr. Mailer withdrew.

At the request of Mr. Lemon, it was resolved, That Mr. Reynolds, M.H.R., should be asked to attend the Committee.

Mr. Reynolds attended accordingly, and made a statement, which was taken down and ordered to be attached to the proceedings.

Mr. Reynolds withdrew.

It was resolved, That the Hon. Mr. Fox be asked to attend the Committee.

Mr. Fox attended, was sworn, and examined; his evidence was taken down and ordered to be attached to the proceedings.

Mr. Fox then withdrew.

The Committee adjourned.

THURSDAY, 12TH OCTOBER, 1871.

The Committee met pursuant to summons.

PRESENT :

Mr. Farnall,
Captain McPherson,

Mr. Steward,
Mr. Webster.

Hon. Mr. Stafford in the chair.

The minutes of the last meeting were read and confirmed.

The Hon. Mr. Gisborne was requested to attend. He attended accordingly, was sworn, and examined. His evidence was taken down and ordered to be attached to the proceedings.

Mr. Gisborne then withdrew.

Mr. Reynolds, M.H.R., handed in to the Chairman certain telegrams from Dunedin referring to a portion of the statement he made before the Committee at its last sitting. The telegrams were read.

The Hon. Mr. McLean was requested to attend. He attended accordingly, was sworn, and examined. His evidence was taken down and ordered to be attached to the proceedings.

Mr. McLean then withdrew.

The Committee adjourned.

TUESDAY, 17TH OCTOBER, 1871.

The Committee met pursuant to summons.

PRESENT :

Mr. Farnall,
Captain McPherson,
Mr. Pearce,Mr. Rolleston,
Hon. Mr. Vogel,
Mr. Webster.

Hon. Mr. Stafford in the chair.

The minutes of the last meeting were read and confirmed.

In reference to that part of Mr. George Bell's evidence given before the Committee on the 5th instant, in which he states, "The first telegram received from the *Southland Times* was at eight o'clock in the morning," it was found, from an examination of the telegram received by the Dunedin *Star* on the 30th September, 1870, that it was sent from Invercargill at 9:35 a.m., and sent from the Dunedin Telegraph Office to the *Star* at 9:40 a.m.

Mr. Lemon and Mr. Bathgate were present.

Mr. G. B. Barton being in attendance was introduced; and having been sworn, was examined. His evidence was taken down, and ordered to be attached to the proceedings.

Mr. Barton laid before the Committee the following letters (in original) in corroboration of certain portions of his evidence:—

Circular letters (two) from General Manager, Telegraph Department, to the proprietors of the *Times*, Dunedin, dated 23rd March, and 26th May, 1870.

Also, two letters from Mr. Hugh George, proprietor of the Melbourne *Argus*, to

Mr. G. B. Barton, dated respectively 23rd December, 1870, and 17th January, 1871.

And it was ordered that certified copies of the same should be attached to the proceedings.

Vide Appendix.

Mr. Barton requested that in further corroboration of the statements he had made before the Committee the following gentlemen might be examined: Mr. Reeves, M.H.R., Mr. John White, M.H.R., Mr. E. Fox, Hon. Mr. Vogel, Mr. John Hay, Mr. Montrose (Greville's Agency), Mr. Hart (late on the staff of the *Independent*), Mr. M. Moseley (late of the Telegraph Department), and Mr. Lemon; and that a copy of the *Hawke's Bay Herald* of 9th September, 1870, be attached to his own evidence.

Mr. Barton withdrew.

Mr. G. R. Hart, being in attendance, was introduced, and having been sworn, was examined. His evidence was taken down, and ordered to be attached to the proceedings.

The room having been cleared, the Hon. Mr. Vogel submitted to the Committee whether, in consequence of statements made by Mr. Barton in reference to arrangements which Mr. Barton said he had made with the Auckland *Herald*, it would not be proper to summon from Auckland certain persons whom he (Mr. Vogel) believed could prove that Mr. Barton's statements in that matter were not correct. The Committee, after discussion, decided that it was not requisite to summon the persons in question.

The Committee adjourned until To-morrow.

WEDNESDAY, 18TH OCTOBER, 1871.

The Committee met pursuant to adjournment.

PRESENT :

Mr. Farnall,
Captain McPherson,
Mr. Rolleston,Mr. Steward,
Hon. Mr. Vogel,
Mr. Webster,

Hon. Mr. Stafford in the chair.

The minutes of the last meeting were read and confirmed.

Mr. Lemon, Mr. Bathgate (for a short time), and Mr. Barton were present.

Mr. Hart was again called before the Committee, and the evidence he gave yesterday was read to and signed by him. He then requested to make a statement relative to, and qualifying certain replies he had made in his last examination. His request was complied with; and having been sworn, he gave evidence, which was taken down and ordered to be attached to the proceedings.

Mr. Hart withdrew.

The evidence given by Mr. Barton before the Committee yesterday was read to and signed by him. At his request he was allowed, after having been sworn, to make a supplementary statement, which, together with a further examination by Mr. Webster, was taken down and ordered to be attached to the proceedings.

On the motion of the Hon. Mr. Vogel, the further examination of Mr. Barton was postponed until Friday next.

Mr. Barton requested that Mr. Giffard and Mr. Gillon might be examined by the Committee.

The Committee adjourned until Friday.

FRIDAY, 20TH OCTOBER, 1871.

The Committee met pursuant to adjournment.

PRESENT :

Mr. Farnall,
Captain McPherson,
Mr. Pearce,
Mr. Rolleston,Mr. Steward,
Hon. Mr. Vogel,
Mr. Webster.

Hon. Mr. Stafford in the chair.

The minutes of the last meeting were read and confirmed.

Mr. Lemon and Mr. Bathgate were present.

MINUTES OF PROCEEDINGS OF THE

Mr. J. T. Martin, of Invercargill, being in attendance, was introduced, and having been sworn, was examined. His evidence was taken down and ordered to be attached to the proceedings.

Mr. Martin withdrew.

Mr. G. B. Barton, in accordance with resolution passed at the last sitting, was recalled, and having been sworn, was examined by the Hon. Mr. Vogel. The examination was taken down and ordered to be attached to the proceedings.

With the consent of the proprietors of the *Wellington Evening Post* and the *Hawke's Bay Herald*, Mr. Lemon laid before the Committee the original press telegrams of English news sent from Hokitika to those newspapers on the 8th September, 1870.

The Committee adjourned.

TUESDAY, 24TH OCTOBER, 1871.

The Committee met pursuant to summons.

PRESENT :

Mr. Farnall,
Mr. Johnston,
Captain McPherson,
Mr. Pearce,

Mr. Rolleston,
Hon. Mr. Vogel,
Mr. Webster,

Hon. Mr. Stafford in the chair.

The minutes of the last meeting were read and confirmed.

Mr. Lemon was present.

Mr. Barton being in attendance, the evidence he gave before the Committee on the 18th and 20th instant was read to and signed by him.

On the motion of Mr. Webster it was resolved, That Mr. Barton be allowed to read the evidence given before the Committee by Captain Pearce of the s.s. "Gothenburg," Mr. George Bell, Mr. Mailer, Mr. O'Toole, and Mr. Hart. Mr. Barton read the evidence of the above-named gentlemen, and stated that he had no remarks to make upon it.

Mr. Barton was then sworn and examined by Mr. Vogel.

Mr. Vogel was sworn and made a statement; after which Mr. Barton, through the Chairman, put questions to Mr. Vogel. The whole was taken down and ordered to be attached to the proceedings.

The Committee adjourned until to-morrow.

WEDNESDAY, 25TH OCTOBER, 1871.

The Committee met pursuant to adjournment.

PRESENT :

Mr. Farnall,
Captain McPherson,
Mr. Rolleston,

Mr. Steward,
Hon. Mr. Vogel,
Mr. Webster.

Hon. Mr. Stafford in the chair.

The minutes of the last meeting were read and confirmed.

Mr. Lemon and Mr. Barton were present.

Mr. Reeves, M.H.R., being in attendance was introduced, and having been sworn, made a statement, and replied to various questions put to him by Mr. Barton. The whole was taken down and ordered to be attached to the proceedings.

Mr. Reeves withdrew.

In continuation of yesterday's proceedings, Mr. Barton put further questions to Mr. Vogel. These with the replies were taken down, and ordered to be attached to the proceedings.

Mr. Charles A. Tipping, telegraph operator at the Bluff, being in attendance was introduced, and having been sworn and examined, his evidence was taken down and ordered to be attached to the proceedings.

The question of granting a special allowance to Mr. Barton, in consequence of pecuniary loss he is believed to have sustained by leaving his profession to attend the Committee, was then considered, and after discussion it was resolved, That Mr. Barton should be allowed one guinea per day from the date of his leaving Queenstown to the earliest date on which he could arrive there on his return from Wellington.

The Committee adjourned.

FRIDAY, 27TH OCTOBER, 1871.

The Committee met pursuant to summons.

PRESENT :

Captain McPherson,
Mr. Rolleston,
Mr. Steward,

Hon. Mr. Vogel,
Mr. Webster.

Hon. Mr. Stafford in the chair.

The minutes of last meeting were read and confirmed.

Mr. Lemon and Mr. Bathgate were present.

Mr. J. White, M.H.R., being in attendance was introduced, and having been sworn gave evidence, which was taken down and ordered to be attached to the proceedings.

Mr. White withdrew.

Mr. Francis Gifford was next introduced, and, having been sworn, gave evidence, which was taken down and ordered to be attached to the proceedings.

With reference to a portion of the evidence given by Mr. Gifford, the following telegrams (in original) were laid before the Committee by Mr. Lemon with permission of, respectively, the proprietors of the *Hawke's Bay Herald*, the *Evening Post*, and the directors of the *Otago Daily Times* :—

“Press telegrams of European news for the *Evening Post*, Wellington; dated Hokitika, 10h. 15m. p.m., September 8, 1870.”

“Press telegrams of European news for the *Hawke's Bay Herald*; dated Hokitika, 10h. 15m. p.m., September 8, 1870.”

“Press telegrams of European news for *Times*, Dunedin; dated Hokitika, 10h. 15m. p.m., September 8, 1870.”

“Press telegrams of European news for *Independent*, Wellington; dated Hokitika, 10h. 20m. p.m., September 8, 1870.”

“Press telegrams of European news transmitted from station at White's Bay, or the above papers and others in the North Island.”

On examination it was found that the time at which the press telegram of the *Evening Post* was received by the proprietor was not noted on the receipt form.

Mr. Gifford withdrew.

Mr. E. T. Gillon being in attendance, was introduced, and, having been sworn, gave evidence, which was taken down and ordered to be attached to the proceedings.

Mr. Gillon withdrew.

Mr. Lemon was then sworn and examined. His evidence was taken down and ordered to be attached to the proceedings.

It was ordered that Mr. Gifford should be requested to forward to the Committee a verified copy of the *Evening Post* of 30th September, 1870.

The Committee adjourned until to-morrow.

SATURDAY, 28TH OCTOBER, 1871.

There being no quorum the meeting lapsed.

MONDAY, 30TH OCTOBER, 1871.

The Committee met pursuant to summons.

PRESENT :

Mr. Farnall,
Mr. Johnston,
Captain McPherson,
Mr. Rolleston,

Mr. Steward,
Hon. Mr. Vogel,
Mr Webster.

Hon. Mr. Stafford in the chair.

The minutes of the last meeting were read and confirmed.

Mr. Lemon and Mr. Bathgate were present.

Mr. Montrose (representative of Greville's Agency) being in attendance, was introduced, and having been sworn, gave evidence, which was taken down and ordered to be attached to the proceedings.

Mr. Montrose read correspondence with the Government relative to a reduction in the telegraph charges on press messages sent by Greville's Agency, and also as to permission being given to send certain telegrams free whilst making arrangements with the press for the establishment of Greville's Agency. Mr. Montrose stated what reduction and privilege were granted by the Government.

It was noted that no reduction in the telegraph charges was allowed by Government to the Press Association when Mr. Barton was arranging details for its organization.

Mr. Montrose withdrew.

Mr. Smith, officer in charge of the Telegraph Office at Wellington, being in attendance, was introduced, and, having been sworn, gave evidence, which was taken down and ordered to be attached to the proceedings.

Mr. Smith withdrew.

Charles Hill, also of the Telegraph Department, was then sworn and examined; his evidence was taken down and ordered to be attached to the proceedings.

Charles Hill withdrew.

Mr. M. Moseley (late Clerk in the Telegraph Department), being in attendance was introduced, and, having been sworn, gave evidence, which was taken down and ordered to be attached to the proceedings.

Mr. Moseley withdrew.

Mr. Lemon having been sworn, certain questions were put to him by Mr. Bathgate. These, with the replies, were taken down and ordered to be attached to the proceedings.

With the consent of Mr. Gillon a telegram was produced, purporting to be the original of one presented on 29th July, 1870, at Wellington, for transmission to the *Wanganui Chronicle* from E. T. Gillon. It appeared on examination that certain words had originally formed part of the telegram, and that the Telegraph Officer had considered them so objectionable as to refuse to transmit the telegram. The telegram was accordingly altered, and then transmitted. The telegram produced to the Committee showed the objectionable passage crossed out, and the alteration subsequently made in it.

Mr. McKenzie, proprietor of the *Wellington Independent*, being in attendance, was introduced, and, having been sworn, gave evidence, which was taken down, and ordered to be attached to the proceedings.

Mr. John Hay, editor of the *Wellington Independent*, being in attendance, was introduced, and, having been sworn, gave evidence which was taken down, and ordered to be attached to the proceedings. Mr. McKenzie and Mr. Hay then withdrew. The Committee adjourned until to-morrow.

TUESDAY, 31ST OCTOBER, 1871.

The Committee met pursuant to adjournment.

PRESENT:

Captain McPherson,
Mr. Rolleston,

Hon. Mr. Vogel,
Mr. Webster.

Hon. Mr. Stafford in the Chair.

The minutes of the last meeting were read and confirmed.

The Hon. Mr. Sewell, being in attendance, was introduced, and, having been sworn, was examined. His evidence was taken down and ordered to be attached to the proceedings.

Mr. Sewell then withdrew.

The Hon. Mr. Vogel was sworn and examined, and his evidence was taken down and ordered to be attached to the proceedings.

The question of the preparation of the final Report was then discussed.

The Committee adjourned.

THURSDAY, 9TH NOVEMBER, 1871.

The Committee met pursuant to summons.

PRESENT:

Mr. Farnall,
Mr. Johnston,
Mr. McPherson,
Mr. Pearce,

Mr. Rolleston,
Mr. Steward,
Hon. Mr. Vogel,
Mr. Webster.

Hon. Mr. Stafford in the Chair.

The minutes of the last meeting were read and confirmed.

Mr. Bathgate, M.H.R., secretary to the *Otago Daily Times*, having intimated his wish to make a statement to the Committee in reference to certain replies given by Mr. Barton on 20th October (*vide* questions and replies in Minutes of Evidence, Nos. 775, 776, and 777), was introduced, and having been sworn, stated as follows:—

“I have seen Mr. G. B. Barton’s evidence, in which he states he was dismissed from the editorship of the *Otago Daily Times* on account of the telegraphic matter.

“I beg to say that Mr. Barton’s leaving the service was altogether disconnected with the matter in question; that he received notice long prior to its occurrence, and that the resolution to dispense with his services was entirely independent of the telegraph question.

“I have further to say that I did not request him to leave the Colony, and that the Company made no suggestion of such a nature.”

Mr. Bathgate withdrew.

The Committee considered and agreed upon a Report, which the Chairman was requested to present to the House, with the Proceedings and Minutes of Evidence.

The Committee adjourned.

E. W. STAFFORD,
Chairman.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE TELEGRAPH ENQUIRY COMMITTEE.

MONDAY, 25TH SEPTEMBER, 1871.

Present :—

The Hon. Mr. Stafford, in the Chair.

Mr. Farnall,
Hon. Mr. Hall,
Captain M'Pherson,Mr. Pearce,
Hon. Mr. Vogel,
Mr. Webster.

Mr. Lemon in attendance and examined.

Mr. Lemon.

25th Sept., 1871

1. *The Chairman.*] You are the General Manager of the Telegraph Department?—I am.
2. Will you produce the regulations published under the Telegraph Act which are at present in force?—I produce them. [*Regulations handed in*].
3. Are you aware of any further instructions superseding any portion of those regulations, and of which the public are not aware?—So far as press messages are concerned, a circular was sent to the various newspaper offices. [*Circular read*]. That was at the time when the Government was about to abandon sending English summaries, and before that was done it was thought advisable to send the circular to correspondents, agents, and proprietors of newspapers, and they were sent to all the papers throughout the Colony.
4. What the Committee wishes to know is whether the published telegraphic regulations have been departed from by any officers of the department in consequence of instructions of which the public are not aware?—Not that I am aware of. [*Reads Circular, 23rd March, 1870*]. A good many never answered that circular, and it was found not to be prudent to carry out the plan, as the remuneration to be received would not have justified the department in doing so. This further circular was sent on 31st July, 1870. [*Reads circular*].
5. By what authority did you write that circular. You stated you did it by the authority of the Telegraph Commissioner. Are you of opinion that there is any legal authority under which that letter could be written?—The regulations about the 200 words were never meant to apply to a private company or an individual. It was specially framed to apply when the Government was in possession of the wires on the arrival of the English mail telegrams, and intended only for that purpose.
6. The regulations are made under an Order in Council, and, as I read the Act, it requires that everything in the way of regulations must be by Order in Council, and not otherwise.
7. *Mr. Vogel.*] Was that regulation framed after the plan brought into operation by Mr. Hall, of furnishing press telegrams by the Government?—No, Sir, before.
8. Was it framed before the time the Government was in the habit of furnishing press messages?—That I cannot tell.
9. When this regulation came in force did the Government supply newspapers with English press telegrams?—Yes, so far as I am aware. Here are all the papers connected with the whole subject. This was in operation before I took charge.
10. *Mr. Hall.*] At the time these regulations were issued, was the arrangement in force by which the Government supplied the press with a summary of the English news?—Yes.
11. *The Chairman.*] In March, 1870?—No, Sir, in 1869.
12. *Mr. Vogel.*] What do you understand by English mail press telegrams?—Telegrams supplied by the Government exclusively at that time. If we had not put that provision in the regulations, it would have been illegal for us to have taken possession of the wires.
13. You gave precedence to those English mail press telegrams?—I always did.
14. Suppose a private individual had brought a telegram of English news?—Unless it was an urgent one, for instance about sickness or death, it would not have taken precedence.
15. If it had taken precedence, would you have applied the 200 words provisions?—No, if it had been about a death or something of that sort, the wires might have been stopped to let the message go by. Such a circumstance never occurred.
16. *The Chairman.*] You recognise that my question was rather wider in scope than your answer refers to. I ask you whether you are aware of any breach in effect of the published regulations in that direction? Not that I am aware of.
17. You are aware of none?—No, Sir.
18. *Mr. Vogel.*] You don't consider giving precedence to the extent of 100 words of a Government message a breach of regulations?—Well, no I don't think so.
19. *Mr. Webster.*] That is with English mail news?—Yes, Sir.
20. *The Chairman.*] Excepting in the case of English mail news am I to understand that the Government on no occasion refused the use of wires?—Except as provided for by the regulations. Of course there are certain circumstances that might arise that the regulations would not cover, and any message would be sent at the risk of the officer, who would use his own judgment. There might be a case of life and death.

Mr. Lemon.
25th Sept., 1871.

21. I want to ask Mr. Lemon in reference to the regulations, to point out the clause of the regulations which refers to payment of telegraph messages?—This one, No. 14.

22. As to the scale of payments?—No, there is nothing in the regulations, it would be in the Act.

23. No, the Act does not prescribe any scale?—These are only for the transmission of telegrams. The tariff was a separate thing altogether.

24. Are you aware of any breach of regulation No. 14?—In the case of press telegrams the payment was always collected from the receiver. That is an understood thing.

25. Are you aware of any other breach of regulation 14 of any person being allowed to send telegrams without payment at all, either on forwarding or on receipt?—Not that I am aware of. Not in my experience. Once or twice we have collected revenue from persons who had no right to send messages.

26. Are you aware of any telegrams being sent in breach of those regulations, where the money was not paid either before or after receipt of the telegrams?—No, sir.

27. Could officers receive instructions without your knowledge? Is it probable that any officer may have received instructions to send telegrams that were not prepaid without your knowledge?—[Not answered.]

28. Do you think it likely that an officer may have received instructions to forward telegrams contrary to regulation No. 14, although you were not aware of it?—I should not like to answer that question. The answer would neither be negative nor affirmative.

29. Would you like to state the reason why you decline? If you simply decline without giving a reason it might look suspicious.—The only instance that ever came within my knowledge of the telegraph being used free was when the press combined amongst themselves to form the present association. That is the only instance.

30. Is it likely that any instructions have been given to an officer of the department to forward telegrams free, contrary to regulation No. 14, although you may not have been aware of it?—[Not answered.]

31. I will put it this way. Although you are not aware of it, an officer may have been instructed?—I object to the form in which the question is put, for this reason: if I say yes, I am aware of it, my answer would imply that I did know of it at the time.

32. I will put it in this way. Mr. Lemon, you have said you are not aware of any violation of regulation No. 14: could there have been any violation without your knowledge?—Oh, certainly.

33. In consequence of an officer receiving direct instructions from a Minister that did not come through you?—Yes.

34. Are you aware of any case where any such instructions were given direct by Ministers to an officer?—No, sir. The telegraph officers would obey any Minister that went to the office.

35. Mr. Vogel.] Have you telegrams with you?—I have Mr. M'Kenzie's permission to produce original telegrams sent from the Bluff and Dunedin, and also the consent of the proprietor of the *Evening Star*. [Reads letter to Mr. Bell and reply.]

TUESDAY, 27TH SEPTEMBER, 1871.

Present:—

Hon. Mr. Stafford, in the Chair.

Mr. Farnall,
Captain M'Pherson,

Mr. Steward,
Hon. Mr. Vogel,

Mr. Webster.

Mr. Robert Pearce in attendance, and examined.

Mr. R. Pearce.
27th Sept., 1871.

36. The Chairman.] You are Captain of the steamer Gothenburg?—Yes.

37. You were Captain of that steamer in September last —Yes, I was.

38. [Letter read dated 17th April, 1871, from Captain Pearce to Mr. Larnach.] In whose custody was this telegram?—In my custody. I handed it to Mr. Larnach unopened, he being a director of the Company. He asked me to give him the telegram. I did so, and he opened and read it, he being one of the persons to whom it was addressed.

39. Did you communicate the contents to anybody on board the ship?—Not to any person on board the ship. He (Mr. Larnach) was very anxious to see the war news. He closed the telegram and handed it to me again.

40. Did you communicate the contents to any person on shore at the Bluff, by which means it could possibly have been telegraphed?—Certainly not.

41. You have no means of knowing how its contents could have been telegraphed from the Bluff?—No.

42. Certain portions of the telegram would only be known in the third edition of the *Argus*?—Only in the third edition; there was some verbal news which was current on board the ship.

43. Mr. Steward.] News in addition to what appeared in the *Daily Times* telegram?—Yes; of course that was not reliable.

44. The Chairman.] What was that verbal news?—I don't remember.

45. Mr. M'Lean.] I wish to prove distinctly to the Committee that no other telegram could have possibly got on board the Gothenburg at Queenscliffe than the one for the *Daily Times*. It has been proved that the telegram had been opened before the arrival of the steamer at the Bluff; it is now proved by Captain Pearce's evidence that he did not communicate the information to the operators, or to the Collector of Customs at the Bluff, Mr. O'Toole. So that when it is proved that no other possible telegram could have been received, it lies between two or three persons at the

Bluff, to see how it possibly got into the possession of the Telegraph Department. I have sent a telegram for the letters from the *Argus*, and from the Telegraph Office at Queenscliffe.

46. *The Chairman.*] To Mr. McLean—You say you have telegraphed for those letters, and you believe they will prove what you have stated?—Yes.

Mr. B. Pearce.
27th Sept., 1871.

47. You are not in possession of those original letters?—No.

48. *Mr. Steward.*] To Captain Pearce—We understood from you that Mr. Larnach communicated to you the contents of the telegram. Did you read it yourself. Was it handed to you, or were you told *viva voce* the contents of it?—We read it together.

49. Subsequently to your knowledge were the special contents of that telegram made a matter of conversation in the ship, or did you or Mr. Larnach communicate its contents to any person else?—No. I don't know.

50. Would it be possible that any person on board ship, except you and Mr. Larnach, could have seen the telegram under discussion?—I should think not.

51. *Mr. Webster.*] Am I to understand distinctly that the contents of the second telegram were not referred to at table, or otherwise, as being extra news, as being known to Mr. Larnach?—Not at all. There were several items of news of course in the second edition of the *Argus* which was published just before we left. That news was a topic of conversation upon the passage down, and more verbal news, which I don't recollect just now, was very freely discussed.

52. Would that verbal news include the headings of the telegram?—I scarcely remember. I remember the information was very vague, and just a sort of conversation about the war and other matters.

53. *The Chairman.*] You positively deny the statement made on oath by Mr. O'Toole to the effect that he got the information from you. You state you have read the evidence given by Mr. O'Toole to the effect that he got the information from you, either from the second edition of the *Argus*, or from additional information you supplied to him. You positively deny the accuracy of that statement?—I do. The news contained in the second edition of the *Argus* extraordinary might have been obtained by anyone at the Bluff, as everyone on board almost had a copy.

54. *Mr. Vogel.*] Do you recollect the telegram being sent on board?—It was sent on board at Queenscliffe.

55. Who received it on board?—I don't recollect.

56. Do you recollect in whose custody it was after it was received until the time it was opened?—Mine.

57. Can you tell me what kind of cover or case it was in?—The ordinary cover of telegrams, an envelope.

58. And it remained in your custody all this time?—Yes.

59. Do you recollect about what time it was opened?—No.

60. You don't recollect that?—No.

61. Are you able to say whether it was towards the latter end of the voyage?—Yes, near the latter end of the voyage.

62. Mr. Larnach asked you for the telegram. Where was it he asked you for it?—On board the ship. He was a passenger on board the ship.

63. What part of the ship, in your cabin, or in the saloon?—In my cabin.

64. Was it in day time or evening?—I don't recollect.

65. You gave it to Mr. Larnach?—Yes.

66. Are you quite sure no one was present at the time?—No one was present but Mr. Larnach and myself.

67. Mr. Larnach opened it, or you?—Mr. Larnach.

68. You said you read it together. Were you sitting down close together, or was it read aloud?—I scarcely recollect. I don't recollect.

69. If Mr. Larnach states that it was read aloud, are you prepared to say such statement is not true?—It was read sufficiently loud for me to hear.

70. You don't know whether you read it, or it was read aloud?—I don't know. I know I was acquainted with its contents. I think I read it, but am not prepared to say so positively. Mr. Larnach read the telegram, and I was standing near him, and I may have read the telegram at the same time as himself.

71. I understand you to say distinctly that you are not prepared to say positively whether you read it or whether it was read aloud?—No, it was read by Mr. Larnach, and I was standing near him.

72. Was it read aloud or not?—I think not.

73. Was there any one present at the same time but you and Mr. Larnach?—Yes, there was another person present.

74. Who was that person?—I forget who he was.

75. Was it Mr. Martin, a brewer, of Invercargill?—Yes.

76. Now, you have already stated that no one else read it but Mr. Larnach. Mr. Larnach says Mr. Martin read it. Do you doubt the truth of that statement?—I did not see Mr. Martin read it. I do not deny the truth of Mr. Larnach's statement.

77. Mr. Larnach and you were together, and you now say to the best of your belief there was a third person present?—At this lapse of time, it is really impossible to remember. It was nearly a year ago. I don't recollect who was present.

78. Do you desire to recall the answer given earlier, that no one was present but yourself and Mr. Larnach?—I don't recollect.

79. *The Chairman.*] You have made a positive statement that only Mr. Larnach and yourself were present. It has been subsequently stated that a third person was present. The Committee do not wish to hold you to the first statement if upon further recollection you should be of opinion that there was a third person present. You may qualify your answer if you think fit to do it. They simply don't wish to take down in evidence that you stated positively that no other person was present, if you think upon consideration there might have been another person present.

Mr. R. Pearce.
27th Sept., 1871.

80. Mr. Vogel.] You are not clear?—My answer to the question is that I am not clear. I don't recollect.

81. Then, you will admit that it is possible that Mr. Martin was present?—It is possible Mr. Martin may have been present.

82. This being the case—not able to recollect Mr. Martin as being present—are you prepared to state positively that your memory was not in fault in respect to anybody else not being present?—No, I don't think any one else was present.

83. Now, I understood you to say that Mr. Larnach read it, and to the best of your belief you read it?—Yes.

84. Can you say in what way Mr. Larnach read it?—I handed the telegram to Mr. Larnach. He held it in his hands and read it.

85. Did he not read it to Mr. Martin in your presence?—I don't remember his doing so.

86. Did you get the telegram back again?—Yes.

87. Before Mr. Larnach left?—Yes.

88. If Mr. Martin read it he must have read it in your presence?—No.

89. One of three things must be the case. Either Mr. Larnach stated falsely that Mr. Martin read it; Mr. Martin must have read it in your presence; or Mr. Larnach must have taken it away from your presence and shown it to Mr. Martin?—I am endeavoring as much as possible to recollect the incident as it occurred.

90. What I want you to tell me is this, whether you deny that Mr. Martin read it; or, supposing he read it, did he read it in your presence, or did Mr. Larnach take it away from your presence and may possibly have shown it to Mr. Martin when you were not present. Which of these three things were the case?—I really fail to recollect the incident as it occurred. I bring telegrams every voyage. I have no positive recollection really.

91. Mr. Larnach gave you the telegram back again after he and you had read it?—Yes, fastened it in the same envelope.

92. Was it fastened?—Just fastened down with the gum still remaining on the envelope.

93. Are you prepared to say that that gum did adhere?—Yes.

94. Did it require to be opened by force?—It was much more easily opened than before, but it was still closed.

95. Have you any recollection of where you put this document?—I put it in a drawer in my state room. It was locked.

96. Do you take all telegrams to the office yourself?—Yes, or deliver them to the person to whom they are addressed. In most cases—in ordinary cases—telegrams are sent to me to be opened by me and forwarded. In this case it was not so. It was addressed to the agent of the *Otago Daily Times*.

97. Do you recollect what you did with this telegram. How did it finally leave your hands?—At the Bluff. I gave it to the person to whom it was addressed, the agent of the *Times*.

98. You believe so. Can you say positively that the purser had not access to it?—He had not. I can say that positively.

99. Then, if the purser was aware of the news it contained, did he obtain it by reading the telegram?—No.

100. You are quite clear upon that point?—Quite clear upon that.

101. If Mr. Martin read the telegram would that account for the verbal information that was floating about the ship?—I should think not.

102. Had he not intelligence enough to understand it?—Yes, he is an intelligent man.

103. I understood you to say that intelligence was floating about the ship, but not the same?—Not the same; besides it was very vague, and mere rumour. The last passenger that came on board may have brought it.

104. Are you prepared to say that Mr. Martin or Mr. Larnach did not speak of it?—I think not, for it was not to Mr. Martin's interest that he should impart the news to any one.

105. That was a very remote interest. The only reason that Mr. Larnach did not disclose news was on account of his interest in the *Daily Times*?—Yes.

106. Has Captain Pearce any means of giving the Committee an assurance that the news did not leak out on board from others than himself?—I can't say that.

107. You wrote a letter, dated 17th April, at Lyttelton, some months after this occurrence took place. I think it took place in September. Some months afterwards you wrote this letter. [*Reads letter dated 17th April, 1871.*] You must have recollected Mr. O'Toole coming on board?—He came on board first.

108. Did he ask you what was the latest news?—I gave him a newspaper which contained it all—the second edition of the *Argus*.

109. Are you prepared to state positively that you did not give any verbal information?—Certainly, none. That contained in the second edition of the *Argus*.

110. [Mr. Vogel read evidence given by Mr. O'Toole.] Do you recollect Mr. O'Toole asking you for the third edition?—I do not.

111. Are you prepared to state positively that Mr. O'Toole's statement is untrue—that part which refers to getting information from you?—Oh, yes. I say that the only information given to Mr. O'Toole by me was what he could have got from the papers.

112. Did you give any information to Mr. O'Toole verbally at all?—No.

113. You gave him nothing but a paper?—I gave him a paper.

114. All this account of a subsequent transaction is utterly untrue?—I may in course of conversation have given him some of the items of the news contained in the papers. I do not recollect, but it is very likely I did.

115. Now then, Captain Pearce, you may have given some more items of news which to the best of your belief appeared in the paper, but which only appeared in the telegram. Now I want to ask you as a matter of possibility—we may say you took a great interest in the English news, but you

had other things to do on board besides attending to English news, and, although you wished to keep good faith entirely, you may have inadvertently referred to some of the news you had seen in the telegram?—It is not possible.

Mr. R. Pearce.
—
27th Sept., 1871.

116. You are quite clear that you never spoke to Mr. O'Toole about news that appeared in the second edition of the *Argus*?—I am quite positive.

117. I ask you have you received any communication from the *Daily Times* upon the subject of this letter or with anyone connected with the *Times* upon the subject?—Nothing.

118. Do you recollect a conversation with Mr. Murison upon the subject?—I don't recollect.

119. A conversation with Mr. Larnach upon the subject?—I have had a conversation with Mr. Larnach on the subject.

120. How was it the letter was written?—Because I had been to Mr. Macassey, at Dunedin.

121. Did he request you to write the letter?—I don't recollect.

122. You considered yourself reflected upon by Mr. O'Toole's evidence?—Yes.

123. It involved an accusation of having broken a promise?—Yes.

124. You felt that your reputation was to some extent at stake, in respect of having broken a promise?—Yes.

125. Did that idea strike you, or was it brought to your attention by anybody?—By Mr. Macassey. He read the evidence of Mr. O'Toole to me.

126. Was anybody present besides Mr. Macassey?—I think not.

127. Any directors of the *Daily Times*?—I really don't remember. I think not.

128. Did you see Mr. Larnach before writing the letter?—I may have done so. I saw him every time I was in Dunedin.

129. Did you speak to him upon the subject of the letter?—I don't recollect.

130. Did you speak to any of the *Daily Times* directors or to Mr. Bathgate?—I think not.

131. You had not time to write the letter at Dunedin?—I should have written it there if I had had time. It was written at Lyttelton.

132. Did Mr. Macassey supply you with any memorandum?—No, with no memorandum. He read the evidence of Mr. O'Toole. I had been unable to see Mr. Larnach before. I walked from the office to the steamer's tender, and went from Dunedin on board the ship, and sailed at once. I wrote from Lyttelton to Mr. Larnach.

133. Did you tell Mr. Macassey you were going to write to Mr. Larnach?—I don't recollect.

134. Who was the purser?—Mr. Mailer.

135. Is he still in the service of the owners?—He is purser on the Rangitoto.

136. Are you aware of the *Daily Times* having made any payment to Mr. Mailer?—I am not aware of any.

137. Or *Wellington Independent*?—I am not aware.

138. *Witness examined by Mr. Lemon.*] I believe you say you did tell Mr. O'Toole some item of news?—I may have done so.

139. That would of course be a long time after you had read the extraordinary that was put on board at Queenscliff?—Sometime after.

140. How long, think you?—I don't know how long. I don't recollect.

141. Were there two telegrams or one?—Only one.

142. Are you quite certain?—To the best of my knowledge and recollection.

143. Only one addressed that way?—Only one at Queenscliff.

144. Was there any other telegram addressed to the agents?—There was not.

145. You say there were certain vague rumours on board the "Gothenburgh," not at all reliable? Yes.

146. Would one of the vague rumours be that "France had been declared a republic"?—I don't recollect, really.

147. You are perfectly certain you only had one telegram in your possession for the agents?—Yes.

148. You are perfectly certain that you gave the telegram yourself to the agents Nichol or Tucker? Yes.

149. And only one telegram?—Only one.

150. Would it be possible for them to get telegrams from anybody else, in anybody else's keeping besides yours, for the *Otago Daily Times*?—Yes.

151. *Mr. Webster.*] From that boat at Queenscliffe?—Yes, there might have been 50 people on board with telegrams for some person without my knowledge. The evening was very dark, and I was on the bridge. The boat may have put twenty telegrams on board at the same time without my seeing it.

152. Do you know that the boat came specially to deliver that one telegram?—Yes.

153. *Mr. Vogel.*] Who delivered it? Was it one of the servants of the telegraph office or a news agent?—A boatman, sailor, or fisherman brought it off.

154. You heard they brought a telegram?—Yes.

155. *Mr. Lemon.*] Was not France being declared a republic a sort of vague rumour on board the "Gothenburgh"?—I don't recollect that.

156. *Mr. Webster.*] Could it be possible that other telegrams were put on board the ship from the boat at Queenscliffe besides the one delivered to you?—Yes, it would be possible.

157. Without their being handed to you?—Yes. I took a telegram that was handed to me. Some other person might bring other telegrams on board.

158. *Mr. Vogel.*] Or might have spoken to people on board as to news?—Yes.

159. *Mr. Lemon.*] Are you not aware whether the telegram was opened on board the "Gothenburgh" by Mr. Nichol?—No.

160. Who did you deliver it to—to Mr. Nichol or Mr. Tucker?—One of the two. It was sure to have been one of them.

- Mr. R. Pearce.** 161. Has the purser access to your cabin?—To my cabin, but not to my papers. My cabin is at the bottom of the companion. I never shut the door unless I leave the ship myself. The cabin doors are open.
162. Where would this telegram be placed after you had opened it and re-sealed it?—In a locked drawer.
163. Had anybody access to that drawer?—No one but myself.
164. Can you remember any rumours—any vague rumours—that were floating about the ship?—I cannot recollect a single one of them.
165. If I were to say that such and such was one of the vague rumours you could not contradict me?—I could not contradict you.
166. When was it you saw Mr. O'Toole, in the morning or at night?—I don't recollect.
167. Supposing there had been another telegram for the *Otago Daily Times* not in your custody, in whose custody would it most probably have been placed during the voyage?—Put in the ship's box. Given to the purser perhaps.
168. *The Chairman.*] Does the ship carry a letter box?—She carries what is called a loose letter box accessible to anyone, into which passengers put letters to be delivered at the post-office when we arrive.
169. *Mr. Lemon.*] Was this special telegram taken out of the loose-letter box when Mr. Larnach opened it?—No.
170. *The Chairman.*] Was it understood that what was in the telegram was to be secret between the persons that saw the telegram?—Yes, distinctly.
171. Do you remember subsequently discussing the matter between yourselves: Mr. Larnach, Mr. Martin, and yourself?—Yes, we discussed it pretty freely, and talked of it as news between ourselves.
172. Is it not possible that while you have been talking about it you may have been overheard by some other person?—I think not.
173. *Mr. Webster.*] But any one of the others apart from you may have continued the discussion about the items?—Yes.
174. *The Chairman.*] You at first were under the impression that Mr. Martin was not present; you subsequently admitted that you could not recall whether he was present or not. Is it possible that Mr. Larnach after having read the telegram along with you may have taken it away and shown it to Mr. Martin, not in your presence?—I think not. He may have discussed the contents of the telegram with Mr. Martin.
175. *Mr. M'Pherson.*] I understand from an answer just given, that you received custody of the telegram at Queenscliff, and it never went out of your custody until you delivered it to its rightful owner?—It left my custody, inasmuch as it was in Mr. Larnach's hands in my presence.
176. *Mr. M'Lean.*] After the severe cross-examination you have gone through, do you still state that you did not divulge to any person the contents of that telegram?—I am confident I did not.
177. You still hold to the statement that you made in the letter?—Yes.
178. *Mr. Vogel.*] I understand it is distinctly the case that Captain Pearce holds to the statement in that letter, but deems it possible he had conversation on the subject of the English news with Mr. O'Toole, and is quite certain he did not refer to any items in the telegram?—Exactly so.
179. *Mr. Vogel* to *Mr. G. M'Lean.*] Are you aware of the *Daily Times* having made any payment to the purser, Mr. Mailer?—I am not aware of any.
180. Are you able to say no payment was made?—No. I was not a director when this happened. I had been to England, and am probably not so well acquainted as others with the affair.

THURSDAY, 5TH OCTOBER, 1871.

Present:—

Hon. Mr. Stafford in the Chair.

Mr. Farnall,
Captain M'Pherson,

Mr. Stewart,
Mr. Webster.

Mr. George Bell in attendance, and examined on oath.

Mr. G. Bell.
5th Oct., 1871.

181. *The Chairman.*] You were the editor and proprietor of the *Evening Star* in September, 1870?—Yes.
182. You stated by telegraph to the Committee that you could give evidence in addition to that given in the Resident Magistrate's Court in the case of *Regina v. Barton*, and which, you also said, would explain the whole matter as to the source from which the English news was telegraphed to the *Wellington Independent* on the 30th September, 1870?—Yes.
183. Would you be good enough to state that evidence?—The first telegram received from the *Southland Times* was at eight o'clock in the morning. The reason we exchanged telegrams was because the Press Association that had been formed excluded several papers from that Association, and the *Evening Star* was one of those. The consequence was that it was necessary we should make fresh arrangements, and I and the proprietors of several other papers, agreed to exchange telegrams with each other. The *Southland Times* was one of these papers. About the same time, Greville's agent wrote to me stating that they were prepared to make arrangements to telegraph English news, and asking me to enter into no permanent arrangement until I had heard from them. They then had not quite completed their arrangements, because they had not appointed agents at the Bluff and Hokitika. It is my practice to write what I have to do, that is any article, during the day, at home; previous to going to the office, and, consequently, instead of arriving at the office at 9 o'clock, I did not get there until 11 o'clock; and I then found a telegram giving some very important intelligence, and stating that they had got the wires, and asking if they should continue sending a message. The telegram I allude to was from the *Southland Times* on the 30th September. That was the time when the important

news arrived. After arriving at the office at about 11 o'clock, I enquired in the office below if a reply had been sent to the *Southland Times* directing them to forward a message at once, and I was told it had not. That, of course, threw the use of the wires into the hands of the *Daily Times*, and the consequence was, they had the wires until their extra had been completed. But there were other consequences. I telegraphed at once to the *Southland Times* to forward a message as soon as possible, and waited until about ——— the exact hour I cannot remember. It must have been about half-past (12) twelve. Then the foreman of the printing room said "If we don't get this telegram we shall not be able to get our paper out in time." I said, "I don't know what to do, we have telegraphed to the *Southland Times*." He said "We must be on with the work some way or other." I said "There is no help for it; the *Daily Times* gets their telegrams from the same source as we do—from the *Argus*—and I do not see that we shall be doing very wrong to go on printing the telegrams from the *Daily Times* until we get our own." And so we did. I forget the exact hour at which we began to receive telegrams, but the telegraphic intelligence we had, varied somewhat from that of the *Daily Times*. We had some items that they had not, and they had some I did not get. [The witness stated the telegram he referred to in this statement was the one received after he had commenced to copy from the *Times* extra, and was his own telegram.] It could not be imagined for one moment that I would exclude the news already set up in type from the *Daily Times* extra, so we published all; that which we had received, and that which we had copied from the *Daily Times* extra, and embodied both. In consequence of the arrangement made among the papers to telegraph to each other, I think, but am not positive: and although perhaps not strictly correct, it is in the main correct—instructions were left to send a telegram to the *Wellington Independent*, and several other papers. I think my clerk came up stairs to me and asked what he was to do, and I said "Oh send the *Daily Times* extra to the *Wellington Independent*. Instead of doing so, he did—as he told me afterwards—send the news published in the *Evening Star* that night.

184. *The Chairman.*] Was that the published news? Are the Committee to understand that it contained the whole news in the *Daily Times* extra and some other items besides?—To the best of my recollection. I will tell you one thing that was not in the *Daily Times* extra—something about some engagements with some Prussian vessels. I am making a general statement of facts, but at this distance of time I cannot state accurately as to the hours or minutes at which these transactions took place, or the precise items that the *Daily Times* had not received and which were published by the *Star*, and those which were taken from the *Daily Times*. When the articles were published endeavouring to explain to the public what really took place I had not been able to unravel the whole of the affair, and I was thoroughly determined to investigate the matter. Since I published those articles in the *Star* I have discovered the whole history I have given you. One clerk had left me, and he had some difficulty in remembering what actually took place.

185. *The Chairman.*] It just appears to me that you published everything that was in the *Daily Times* extra and some other additional particulars of news which you received from the *Southland Times*, but you are not able at this lapse of time to say what those additional particulars were?—I should not like to lend myself to them.

186. *Mr. Steward.*] I would like to ask the witness in connection with the statement that he published in the *Evening Star* certain items he had received and certain items he had not received directly, whether the telegram was headed "from our own correspondent," or whether the telegrams were acknowledged in any way?—Headed "New Zealand Telegraph Company," but I do not know by whose authority.

187. There were certain items not acknowledged as taken from anywhere else?—Not acknowledged.

188. *Captain M'Pherson.*] I would like to know what the different items were, so that we may recognise them again?—The telegram to the *Independent* was the telegram that was published in the *Evening Star*. Nothing else was sent by us.

189. *Mr. Webster.*] Did you say just now that you instructed the Clerk to send the *Daily Times* telegram?—So far as I recollect, but he, instead of sending the *Daily Times* telegram, sent ours that was published and printed.

190. The first telegram, which the *Southland Times* sent offering to send news, you said contained some items of news, and you incorporated those items with the *Otago Daily Times* telegram?—I do not recollect I said so, but probably we did. There is no doubt that we should. There were some items received in the first telegram.

191. *The Chairman.*] Was the taking of Sedan one of the special items that were in the first telegram that you received before the *Daily Times* published the extra?—To the best of my recollection it was. That was some of the intelligence.

192. *Mr. Webster.*] In the telegram sent to you by the *Southland Times* offering to send you news—in the first telegram of the 30th September—were there any items conveyed to you?—Yes.

193. *Mr. Lemon.*] Was the telegram you received about the important news—the first telegram—a private message, or would it be a press telegram?—I do not recollect. I did not notice.

194. Have I your permission to get that telegram?—Certainly.

195. *Mr. Bathgate.*] I wish to ask Mr. Bell if he does not recollect that it was nearly 3 o'clock in the day when the *Times* extra was published?—My recollection is that it was not 3 o'clock in the day. If I am not very much mistaken, the *Times* extra was out before 1 o'clock. As far as I recollect, but I would not be positive of that.

196. What is the meaning of the phrase "New Zealand Telegraph Company"?—The meaning was that "Greville's" were just forming, through Mr. Montrose, the "New Zealand Telegraph Company," professing to be under Greville's auspices. The name was changed afterwards to "Greville's Telegraph Company," if I recollect right. A part of the agreement amongst the papers was that they should telegraph to each other.

197. How much of that telegram was received from the *Southland Times*?—I am sure I cannot tell you.

Mr. G. Bell,
5th Oct., 1871.

Mr. G. Bell.

198. Was there any at all?—Yes.

5th Oct., 1871.

199. Was there half?—My memory is not sufficient to enable me to say. I decline to pledge myself as to the amount, whether a-half, a-fourth, or otherwise. I am unable to say what proportion of news under the head of the "New Zealand Telegraph Company" was received by the *Star*, or taken from the *Daily Times*.

200. Was the correspondent of this Company the editor of the *Southland Times*?—Yes, so far as I know, but he might be a reporter.

201. Can the witness tell me which telegram was sent to the *Independent*? Whether the *Daily Times* or *Evening Star* telegram?—I am informed that it was a copy of that which was published in the *Evening Star*. Cut out from it altogether. I did not do it myself.

202. One sentence in the paper produced appears to be a copy of the telegram that appears in the *Times*, and not in the *Star*?—Yes, I think that is likely under the circumstances.

203. By Mr. Bathgate, through the Chairman.] How do you account for it?—It is not for me to account for it. From what I heard in the Magistrate's Court, I think it is easily accounted for. I understand the *Wellington Independent* received a telegram independently of the *Daily Times* and *Evening Star*. Such a thing may be easily accounted for.

204. Mr. Webster.] What do you understand by the wires being kept for you?—Merely in accordance with the regulations of the Department.

205. Mr. Bathgate.] Is it a regulation of the Department that you can have wires kept for you? I do not know what the regulations are, but that was the purport of the message.

The witness then withdrew.

FRIDAY, 6TH OCTOBER, 1871.

Present:—

The Hon. Mr. Stafford in the Chair.

Mr. Farnall,
Mr. Pearce,
Mr. Rolleston,

Captain McPherson,
Hon. Mr. Vogel,
Mr. Webster.

Mr. O'Toole.

Mr. Christopher Francis De Salis O'Toole in attendance, and examined on oath.

6th Oct., 1871.

206. The Chairman.] You were Sub-Collector at the Bluff on the 30th September, 1870?—Yes.

207. Do you remember the arrival of the "Gothénburg"?—I do, on the 29th September.

208. What took place upon that occasion?—I went on board. It was late in the evening. I went on board as Custom-House Officer immediately upon arrival, and after doing the Customs business I made inquiries of Captain Pearce for a paper.

209. Where was the ship when you went on board?—At the wharf. [Witness here read a letter dated 20th August, 1870, received by him from his superior officer, Mr. Seed, giving instructions to send a telegram of 100 words upon the arrival of English mails. Vide Appendix.]

210. The Chairman.] You went on board the "Gothénburg" when she was alongside the wharf. Will you say what took place then?—After I had done the Customs business I went to obtain a paper containing the latest telegraphic news.

211. Who did you ask for a paper?—The last person I asked was Captain Pearce in his cabin.

212. Did you get a paper before you asked Captain Pearce?—No, it is very seldom you are able to get a paper. There was a great difficulty that evening.

213. What did Captain Pearce say?—He handed me a paper. The second edition of the *Argus*.

214. Did you ask Captain Pearce for any other information besides that contained in the paper?—I asked him for the third edition, and told him I would be extremely obliged if he would give me one as it was important I should have it.

215. Do you recollect the exact words you made use of?—I said to him "Have you got a copy of the third issue, and he said "No, there is not such a thing to be obtained on board the vessel." I think I said "Did you hear anything respecting the third edition before you left?" He replied that he had not. "All that he knew was from reading or hearing read Mr. Nicholls' telegram." Mr. Nicholls was agent for the Press Association.

216. Did Captain Pearce give you any particulars of that information?—Yes he did. He told me pretty nearly all that I afterwards saw printed in the paper that contained the full information. I have since ascertained it was from the third edition of the *Argus*.

217. Do you remember any of the particulars?—I only remember one, and only remembered one next morning. He said he did not know positively that the information was true. I recollect one thing was that "France was declared a republic." Next morning I sent that news added to the other, and I also put the words "more astounding information will be supplied for publication." I thought I was justified in that course, because Captain Pearce said he could not exactly recollect whether it was right or not. He just told me in a careless easy manner. I put my telegram in at the office at 9 o'clock next morning. The message was hurriedly sent away the moment the door was opened.

218. When Captain Pearce told you that France had been declared a republic, you understood he had that knowledge from the telegram that he had heard read?—Certainly. He said all that I recollect, "I read it in Nicholls' telegram, or heard it read." I knew that Nicholls had been on board before me.

219. Do you remember the words in which you communicated the information which you received from Captain Pearce?—In the telegram to the Commissioner of Customs, the last two words were "money market;" and after that I added the words "From information not directly received, France reported declared republic, more astounding information supplied for use of papers." I did not think it right to send that information, because Captain Pearce was not certain of it.

220. Why did you use the words, from information not directly obtainable?—I meant it was not

in the telegrams supplied to me direct. That information was not reliable because it was not direct. It did not come from any reliable source.

Mr. O'Toole.

6th Oct., 1871.

221. What reason had you to doubt the correctness of the information?—Captain Pearce told me while he was dressing that that was what he heard. I said to him, "Are you sure of these facts, because I am going to telegraph them to the Government." He said he believed it was right, but he could not recollect. Next morning in the telegram, I only said that France was declared a republic, and said there was information to follow. I did that to enable the Government to get it from the papers.

222. You did not receive the information after you sent the telegram, but on the 29th September, after the telegraph office was closed?—Yes.

223. Was it possible that any person who had been on board half-an-hour before you, might have sent a telegram, and that the office was closed when you got your information?—I went on board at half-past eight. The office closed at 9 o'clock that night—that is, I imagine so. I have no means of stating it as a fact. I had no telegram to send that evening.

224. You did not know the regulations as to closing in the evening?—At that time it used to close at 5 o'clock. I always understood that when the English mail came in it was open at all hours.

225. Why did you not send the information that evening?—I had some good and special reason. Possibly the office might not have been open. I was not interested. It was not until weeks afterwards that I knew any enquiry would be made.

226. You had instructions to forward important information immediately?—From my recollection I believe I seized the very earliest opportunity my duties would afford. I have no doubt of it.

227. You conclude, therefore, that you could not have sent it the night before, the night you received it?—I must come to that conclusion. I did not make any memorandum. I sent it at the earliest opportunity, and it is possible I might have had no opportunity to send it that evening or I should have done so. I had precedence in the use of the wires.

228. Would the wires be kept waiting for you?—I should not have asked it.

229. You never did ask to have the wires kept waiting for you?—No.

230. You would only claim precedence if you arrived at the same time as anybody else?—Yes. That morning I sent the message in before anybody else.

231. Do you believe that your's was telegraphed before the news of the press agent, Mr. Nicholl?—I have no means of knowing. I put the message in the office at 9 o'clock, directly the door was opened. I do not know what took place in the office.

232. Your telegram states that more astounding information will appear in the newspapers?—It does.

233. If Mr. Nicholl was on board the ship half-an-hour before you, would he have got that astounding information?—He must, as I have heard since it was in his telegram, and that was the only one on board.

234. Mr. Nicholl had the news before you?—I believe he had. I never asked him, and have never spoken to him upon the subject.

235. The alleged source of your information was Captain Pearce's statement from Mr. Nicholl's telegram?—Yes, as I have before stated.

236. You don't believe that you had any more information than Mr. Nicholl's would have?—I know nothing of Mr. Nicholl's information excepting what Captain Pearce told me. I did not give it a thought. I sent the best I could to the Government, but sent it off very carelessly. I did not send up the particular part because I was not aware whether it was reliable or not.

237. How did you come to think that you were giving the Government the first information on the subject?—I did not think so. It was merely a matter of precaution in case other information might not reach them in time, nothing more or less.

238. The inference from your telegram is that you were sending the Government information that was to arrive subsequently to the newspapers?—It struck me at the time that as my message might have precedence it might reach there first, and the Government would have an opportunity of getting the earliest slip.

239. Was the Telegraph Office open on the morning of the 30th September, when you went there?—I believe I was the first person. No one else was there that I saw.

240. Unless Mr. Nicholl sent a telegram your's would be the first?—It would be. I asked the telegraphist to send it as soon as possible. When I presented it I could hear the instruments working.

241. Do you know from the sound whether they were sending or receiving a message?—I could not tell whether sending or receiving. Witness added—I knew from the instrument that a message was being sent.

242. *Mr. Webster*. What was the exact reason that made you take the precaution of telegraphing that more astounding information would arrive for the newspapers?—The information I referred to was that I could not recall. I could not depend upon it as reliable, as I before stated. The captain told me several items in the cabin. I only remembered one, namely, that "France was declared a republic."

243. You had the information?—It was mentioned so carelessly that next morning I could not recollect it. I understood it was not reliable. It was mentioned in a general conversation of two or three minutes on board the ship.

244. Did you hear anything from anybody else?—Not a word. The information was got in a perfectly legitimate manner.

245. *Mr. Pearce*. Did you not try to get the information sent off that night?—I believe the telegraph office was shut or I would have sent it off according to my instructions. I have seen the telegraph office open at all hours. I may mention that the Government telegraphed to me to ask from whence I got the information.

246. Was the steamer in sight at the Bluff at 5 o'clock?—I do not know whether the signal station was closed or not. The telegraphist was there when the steamer came in. He is never away. He cannot go anywhere.

Mr. O'Toole.

6th Oct., 1871.

247. *The Chairman.*] Did you communicate to any other person the extra news you got from Captain Pearce?—No, Sir. Everyone at the Bluff knew more about it than I did.

248. Did you hear generally that France had been declared a republic?—Next morning everyone knew more about it than I did, and it annoyed me because I thought if they had heard it I might have done so.

249. You heard the particular items of news that Captain Pearce gave you generally spoken of?—I found out afterwards that it was in the third issue of the *Argus*. I had a copy of a telegram for some days, that was supplied to me by the man who sent it.

250. Who gave you the copy?—It was given to me privately, and I had to give it back, and I promised honourably not to mention the matter.

251. From whom did you get that telegram?—I leave it to the Committee to say whether I must show it, because I was put on my honor.

252. The Chairman told the witness that he must give full information to the Committee.—Witness: I will tell it under great pressure, for in so doing I am breaking my word. I got it from Mr. Fordham, of Bluff Harbour, who sent the telegram. He showed me a copy of a telegram which he said he had sent off to Hokitika next morning.

253. You carried that alleged copy in your pocket?—Yes, I took it to Dunedin, and afterwards gave it back to Mr. Fordham.

254. Did that telegram contain any information that was not in the second edition of the *Argus*?—Yes, it did.

255. Similar to that you heard from Captain Pearce?—Yes. I think he sent it off next morning.

256. *Mr. Webster.*] How did he get that news?—I do not know. He said to me "I could have sent more than you did." He might have got it from Invercargill.

257. Who is Mr. Fordham?—A publican there. He sends telegrams occasionally.

258. Have you reason to know that he acts as agent for a paper?—No, I do not know.

259. *Captain M'Pherson.*] Do you know to whom the telegram was addressed?—I do not know.

260. *Mr. Webster.*] What means of information had Mr. Fordham. What means of getting information to forward?—I do not know. He might have had a telegram from Melbourne. He gets telegrams in envelopes as agent to forward to other people at other places.

261. You do not know how he arrived at this information?—I do not know. He did not tell me. The telegram was shown to me about the middle of March—about 14th March—that was six months afterwards. I carried away a copy of the telegram in my pocket. It was shown to me to refresh my memory. He took it off a file and gave it to me, and I returned it when I got back from Dunedin.

262. You say that Mr. Fordham acted as agent in receiving telegrams from Melbourne?—Yes.

263. As agent for whom?—I do not know the names.

264. How do you know he acts as agent?—He has told me two or three times.

265. Has he told you for whom he acted as agent?—For some Melbourne and Hokitika firms, but I do not know the names. He acts for them because other people at the Bluff are in business.

266. *Mr. Lemon.*] When you asked Captain Pearce for the latest news, was there anyone standing by?—No.

267. Where did you write the telegram you sent?—In the Custom House. I had the second edition of the *Argus*. I wrote it from twelve minutes to nine to nine o'clock in the morning. I reached the telegraph office just as the door was opened.

268. Did you see the purser?—I did not that night. I do not recollect seeing the officers, and think they must have been on shore. The ship was very quiet, and the only person I saw was the captain.

269. Did the captain give you the first and second edition?—The second edition.

270. You had not any conversation with Mr. Tipping prior to the time of placing the telegram in for transmission?—No, I did not see him until I gave him the telegram. I did not see him on the previous evening.

271. Not from the time you received the information from Captain Pearce until you lodged the telegram at the telegraph office?—No, that was the first time I saw him after I got the information from Captain Pearce. I did not see him on that business under any circumstances.

272. *Mr. Bathgate.*] In reference to Mr. Fordham's telegram, you stated that Mr. Fordham said to you he could have sent off more news than you did?—Yes. He gave me the telegram because I was going to Dunedin about the telegraph case, but told me not to show it to anyone.

273. He had not sworn you to secrecy in any way. He said nothing about binding you over to secrecy?—No. Only not to show it to any person.

274. You talked about the third issue. How did you know there was one?—I read in the second edition that a third issue was to follow.

275. Were you aware that a copy was on board?—I did not know that the third edition was on board. The only telegram supposed to be on board was the one known as Nicholl's telegram.

276. Was it not possible that some other telegram might have been despatched before yours?—Quite possible. It was as a precaution I added the words about the other news.

277. If I understand the evidence you gave, it was to this effect, that you got the particulars of a private telegram from Captain Pearce. Was it either right or straightforward to send that to another person?—I never gave the matter a single thought. It was mentioned in a careless conversation by Captain Pearce, without any reserve. I did not know where Captain Pearce got the information from. He simply said he had heard Nicholl's telegram read, or had read it. Captain Pearce told me what he remembered of the third issue, but said he could not say whether it was correct or not. I did not know what telegram Nicholl's was, whether a press or a private telegram.

278. The information you received from Captain Pearce was what he told you about Nicholl's telegram?—I did not use it. I only said, "More information to follow." I would not do it.

279. *The Chairman.*] You did send some?—Yes, "France declared a republic." Captain Pearce simply said he had read a telegram about that. I had no reason to believe that Nicholl's was a private

press telegram. It could not have been very private, for the Captain knew of it, and it had been mentioned on board ship. That induced me to mention the few words I did. My instructions were very simple: only to send 100 words.

280. *Mr. Vogel.*] Did Captain Pearce lead you to suppose that he was violating any confidence in giving you that information?—Not in the least.

281. Did he ask you not to telegraph it?—No, certainly not. I told him I was going to send a telegram to the Government.

282. Are you aware that Captain Pearce distinctly denied your evidence. That he said he told you nothing that was not in the second edition of the *Argus*?—I can say upon my oath he was the only person I spoke to about the news. I spoke to no one else. Captain Pearce knows perfectly well that the telegram was read. Nicholl admitted to me that the telegram was opened when he received it.

283. Did Mr. Nicholl say from whom he received the telegram?—No.

284. Has there been any suggestion made to you in any shape or form that you should give any advantage to any particular newspapers, either by the Government or your official superior?—Certainly not. I have read my instructions.

285. *Captain M'Pherson.*] You distinctly swear that France being declared a republic was received from Captain Pearce and no other source?—Yes, I never spoke to any other person, for I was too busy. I neither saw a letter or paper, or any other person, nor any telegram.

286. *The Chairman.*] You have stated that all the people at the Bluff knew all about the information?—I heard it in conversation next day that some information was known to other people at the Bluff that I had not sent away. I do not say at what time of the day I heard those reports. It might have been in the evening or at 12 o'clock.

287. Was the copy of Mr. Fordham's telegram in writing?—I cannot recollect whether in writing or print. I had no occasion to place any importance on that.

288. *Mr. Webster.*] You say he took it off a file?—It was simply on a telegram form, and the items were written.*

289. *Captain M'Pherson.*] Do you know Mr. Martin? Did you see him on board the "Gothenburg," and had you any conversation with him?—I never saw him, and had no conversation with him or any other person.

290. *The Chairman.*] Do you remember having used the expression "some of us will get six months for it"?—I did use that expression. I laughingly said I suppose some of us will get six months for it. It was used to Mr. Nicholl one day in chaff.

291. *Mr. Bathgate.*] Are you aware that it was a breach of the regulations for you to have sent that message?—No.

292. *The Chairman.*] You considered altogether you were acting under instructions from your superior officer?—Yes, it was by instructions I sent the telegram. The instructions I have read.

293. To send it as soon as possible after the ship arrived?—Yes.

294. But you kept it from half-past eight at night until nine o'clock next morning?—Yes.

295. Do you remember going to the telegraph office that night to ascertain whether it was closed or open?—I cannot say.

296. Does the telegraph officer reside at the office?—Yes.

297. Do you think he would have refused to send important telegrams to the Government if you had asked him?—He is very particular, but I never asked him.

298. Have you ever known him to refuse to forward telegrams addressed to the Government?—Not that I am aware of. I send very few telegrams to the Government.

299. You have never known him to refuse to send a telegram to the Government?—No.

300. *Mr. Lemon.*] You are perfectly certain you did not see the purser from the time you received the information from Captain Pearce to the time you put the telegram into the office at the Bluff?—Perfectly certain.

301. *The Chairman.*] You have a very precise recollection about not seeing the purser?—I have special reason to remember not having seen the purser because I did not receive the ship's papers.

MONDAY, 9TH OCTOBER, 1871.

Present:—

The Hon. Mr. Stafford, in the Chair.

Mr. Farnall,
Mr. Johnston,
Captain M'Pherson,

Mr. Pearce,
Hon. Mr. Vogel,
Mr. Webster.

Mr. Christopher Francis De Salis O'Toole in attendance, and examined on oath.

Mr. O'Toole.

The evidence given by witness on Friday, the 6th October, was read over to him, and some alterations made at his request. 9th Oct., 1871.

302. *The Chairman.*] You have heard the evidence read over. Is there anything else you wish to correct?—No, nothing else. Nothing whatever.

303. Before you sign this evidence the Committee think it right to tell you that they have got evidence which is not consistent with yours.—I have no wish to alter one single word. I don't wish to alter one single syllable. [*The witness then signed his evidence.*]

304. In your evidence on Friday you used words to this effect: "It was simply on a telegraph form, and the items were written." You wish to correct that, and state you are not sure whether

* See evidence of same witness on the 9th September, 1870.

Mr. O'Toole. it was on a telegraph form or not, or on a piece of paper?—I wish it to be altered. I am not certain whether it was upon a telegraph form or a piece of paper. [*This evidence referred to the document spoken of as being a copy of a telegram and taken off Mr. Fordham's file.*]

9th Oct., 1871.

305. You stated that next day every person was aware of the information you knew?—Knew more, Sir.

306. And among others you have stated that Mr. Fordham knew more?—Yes.

307. And that he showed you a copy of a telegram that he himself had sent away?—Not at that time. It was sometime afterwards: in March.

308. He subsequently showed you a copy of a telegram he had sent away on the 30th September?—Yes, Sir. I will explain that fully. When I was asked that question on my last examination I stated that I had got the copy of a telegram that Mr. Fordham sent off. I got it in March. That was perfectly true. It must have been the 14th March: the day I went to Dunedin. I had quite forgotten that I knew on the 30th September that Mr. Fordham sent off a telegram. I have since reason to believe that that telegram was written by me for Mr. Fordham and signed by him. To account for that I may tell you that I generally lunch and have my tea occasionally when on night work at Mr. Fordham's, and that he and one or two other persons often ask me to write and do little matters for them at odd times.

309. Have you anything else to say?—I have since ascertained that it was in my handwriting, but I have not any recollection of it. I quite forgot.

310. How do you know it now?—(Mr. Lemon informed the Committee that on Friday night he had told Mr. O'Toole that the telegram sent by Mr. Fordham was in Mr. O'Toole's handwriting).—Until that moment I had no recollection of it.

311. You stated in your evidence on Friday that you gave it back to Mr. Fordham?—I believe I did. I had no reason to believe that it was in my possession. I returned it to Mr. Fordham when I came back from Dunedin.

312. How did you get it out of Mr. Fordham's possession again?—I don't know. He may be under the impression I did not return it.

313. *Mr. Webster.*] Mr. Fordham showed it to you, and you took a copy of it, and you were not conscious that it was written?—I did not recollect until last Saturday. I recollect being in Mr. Fordham's bar on the 30th September, about 4 o'clock, or a few minutes after 4 o'clock. I recollect Mr. Fordham asking me if I would copy a telegram, and take it to the office as I went down. I copied a portion of the third issue from the slip of paper, which he afterwards gave me to take to Dunedin, in March. I do not recollect whether the second edition news was copied from a newspaper or a telegram; but all that was in the third issue was upon a piece of paper that Mr. Fordham handed to me.

314. That is to say the telegram you wrote out you copied from a piece of paper?—That which I subsequently ascertained to be the information that was in the third edition of the *Argus*, was written on a piece of paper.

315. Where did you see the third edition of the *Argus*?—I think I read it in the *Invercargill* papers on the 1st or 2nd of October, two or three days afterwards.

316. It is rather curious that you could not recollect any of this on Friday?—With respect to Mr. Fordham's telegram that I wrote, and he signed, the matter only came back to my mind when I saw the telegram. I had no reason to recollect it, for there was no importance attached to it.

317. *Mr. Farnall.*] When Mr. Fordham took the telegram off the file and showed it to you, did you recognise it as having copied it before?—[*Not answered.*]

318. Do you know where Mr. Fordham got the information you copied?—The news was on a slip of paper. He would not tell me from whom he obtained it. It was not likely he would tell me. He said it would commit the person who gave it.

319. *Mr. Steward.*] We understand that you sent a telegram to the Government on the morning of the 30th, at 9 o'clock?—Yes.

320. Also, you now are aware that you wrote and sent off Mr. Fordham's telegram to Chesney & Co., Hokitika?—I copied it.

321. You were aware one was being sent?—Yes.

322. You also expressed a feeling of annoyance on that very morning, or on that very day, upon having ascertained that persons were in possession of information that had not reached you?—Yes.

323. When you saw the telegram that Mr. Fordham proposed to send, did you say anything with regard to that annoyance you felt with the view of pressing him to say how he got that information?—I recollect expressing surprise that he should have got that information. I was sure to have done that, because I was very much annoyed about it.

324. You don't say that you did press him?—I cannot recollect that I did.

325. We understand distinctly that you can't say positively that you took any means of ascertaining Mr. Fordham's authority for those items?—I asked Mr. Fordham where he got his information from, and he would not tell me. He declined to tell me.

326. *Mr. Pearce.*] You did not know in whose handwriting it was?—Not at that time, and I have only suspicions now.

327. Have you a knowledge of handwritings? Do you know this handwriting? [*Document marked A produced.*]—I have only my suspicions. I feel pretty certain they will be found to be correct.

328. *Mr. Webster.*] I want you to explain to the Committee how you arrived at the position that Fordham should say to you in conversation "I could have given you more information than that," and pulled down that telegram?—The conversation took place before it was copied.

329. *The Chairman.*] You have stated that Fordham's telegram contained more information than you sent in yours?—It contained two or three items. Captain Pearce told me, but I cannot recollect what they were. I mean more than I could recollect to send off.

330. What information was there in Mr. Fordham's telegram more than you knew?—I cannot recollect what it was. It was my impression there were some items.

331. Did you supply Mr. Fordham with any of the information which was contained in the

telegram you wrote for him?—Certainly not—upon my solemn oath. [Two documents written on blue paper were shown to the witness. One was passenger list of the "Gothenburg"; the other a telegram of "latest English news," 24th September.] Mr. O'Toole.
9th Oct., 1871.

332. You will not swear that they are not in Mr. Mailer's handwriting?—No.

333. You will not swear that they are?—No.

334. Who do you suspect as having given information to Mr. Fordham?—I only think two persons on board could have known. I suspect Mr. Mailer, the purser, and no one else.

The witness then withdrew.

TUESDAY, 10TH OCTOBER, 1871.

Present :—

The Hon. Mr. Stafford, in the Chair.

Mr. Farnall,
Captain M'Pherson,
Mr. Rolleston,

Mr. Steward,
Mr. Webster.

Mr. William Lawson Mailer in attendance, and examined on oath.

Mr. Mailer.

10th Oct., 1871.

335. *The Chairman.* You were purser of the "Gothenburg" in September, 1870?—Yes.

336. You remember arriving at the Bluff in September, 1870?—I do not remember the date, I remember the occasion.

337. On that occasion you had a telegram for the *Wellington Independent* in your custody?—Yes.

338. Did you send it off the night you arrived?—Yes.

339. You delivered it to the operator?—Yes, with other things.

340. I will tell you that it was stated upon oath that the "Gothenburg" arrived between nine and ten o'clock at night, and that the telegraph office was closed at that hour?—The operator came on board, and I handed him the telegram

341. Was it in a sealed envelope?—It was a closed envelope.

342. It had never been opened by you on board? Did you know what it contained?—No.

343. Did you give any special information to the operator?—I gave three items of news upon a piece of paper, besides the enclosed telegram.

344. You gave three additional items. Do you remember what they were?—That Napoleon was a prisoner. The German army was marching on Paris; and France was declared a republic.

345. You gave those upon a loose slip of paper?—Yes, a piece of foolscap.

346. How did you get that information?—Two of the items were in the extraordinary I got at the *Argus* office, and the third item—France declared a republic—I got verbally in the *Argus* office.

347. You had not seen it printed or published. It was a mere recollection of what you had heard?—It was what I heard in the *Argus* office.

348. Are you aware of any other means by which the same information might be conveyed to the "Gothenburg"?—No. I believe I told the Captain during the voyage.

349. Are you aware that the Captain was carrying a telegram for any person?—I believe he had a telegram for the *Otago Daily Times*.

350. Do you know where that was received?—At Queenscliff, I believe.

351. Did you see that telegram?—No.

352. Nor heard anything about it on board except the fact of its being put on board at Queenscliff?—No, nothing.

353. Did the Captain give you any information?—No.

354. Did you hear any from any other person, passenger or officer?—No.

355. The three items to which you refer you only knew from what you heard at the *Argus* office?—Only heard one—France declared a republic. The others were in the second edition of the *Argus*; in the "extra."

356. You did not get the third edition?—No, I did not.

357. Are you aware whether there was any copy on board?—I do not think there was.

358. At all events, you do not know there was?—No. If there had been any thrown off I would have got one copy, or several copies.

359. They had not time to print it at the *Argus* office when they told you?—No.

360. When you gave these additional items to the operator, did you give any instruction as to where he was to forward them?—No.

361. Only to use them at his own discretion?—Yes.

362. You did not designate any particular paper or person to whom they should be sent?—No.

363. And you did not prevent the operator sending to any particular person?—No.

364. [The Chairman produced document marked A, vide appendix.] Is that in your hand-writing?—Yes.

365. Do you think that was the paper you gave the operator?—Yes.

366. Then the operator at the Bluff is the only person you gave information to the night he came on board?—Yes.

367. Did you give any information next day?—I am not aware of any.

368. You are not sure?—Not sure. I gave away several copies of the second edition.

369. I am speaking of the extra special items?—No, I did not give any of that information.

370. You have no recollection of giving any information to any one else the next day, before the "Gothenburg" left?—No.

371. You could hardly be certain at this lapse of time that you did not do it?—No, it is over twelve months ago.

Mr. Mailer.
10th Oct., 1871.

372. Do you think you were bound not to tell any person the news?—No, I can't say that I was.
373. The telegram that you carried down was for the *Independent*?—Yes.
374. At the same time you handed it to the operator, you handed him the paper marked A?—Yes.
375. You did not say to the operator that it was to be specially for the *Independent*?—No.
376. Did you tell Mr. Hay that you had added anything for the *Independent*—anything that was not in the telegram?—No. The agent for the *Independent* in Melbourne is Mr. Hutton, and he authorised me to add anything to the telegram he handed me, that he might telegraph later. I got no later telegram from Mr. Hutton. That is what I told Mr. Hay.
377. In your evidence before Mr. Strode, in March last, you swore that you had a memorandum from Mr. Hutton, and you say now that you had a telegram from Mr. Hutton for the *Wellington Independent*. Is the telegram what you meant by a memorandum on that occasion?—I do not remember exactly now. (Memo.—Enclosed telegram was all I had from Mr. W. Hutton.—W.L.M.)
378. You have told the Committee you had a telegraph message which you did not open. You handed it unopened to the operator?—Yes.
379. Then, how could you tell it was from Mr. Hutton?—He handed it to me personally, as was his custom.
380. Mr. Webster.] He authorised you to open it and add any further items to it?—Yes, if sent by telegraph to Queenscliff to catch the "Gothenburg" I was to do so.
381. And no such telegram was sent?—At all events, it never reached me,
382. When you left the *Argus* office in Melbourne did you go direct to the railway to go on board?—Yes.
383. The steamer started immediately?—The steamer was moored out in the stream off Williamstown breakwater, and waited until I came on board.
384. When you were at the *Argus* office, did they tell you that the news was arriving?—Yes, they said there would be a third edition.
385. Was the item given to you as a fresh piece of information not yet published?—Yes.
386. Captain M'Pherson.] Do you know Mr. Fordham at the Bluff?—I do.
387. Did you give him any printed or written memorandum of the news next day?—I do not remember. I gave him the second edition of the *Argus*.
388. Did you tell him that additional item about France being declared a republic?—I cannot remember. I might have done so.
389. Was he in the habit of getting news from you?—No. He was in the habit of getting a paper occasionally.
390. Witness to Mr. Lemon.] I remember speaking to you a trip or two after the voyage I refer to. I think it was at the Wellington wharf.
391. Mr. Lemon.] I asked you at the time where you got the news about the Emperor being a prisoner in Berlin, the Germans marching on Paris, and France being declared a republic?—You asked me if the items of news on paper marked A were in my handwriting, and I said they were.
392. Do you recollect whether you told me where you got it from?—I do not remember.
393. Did you or did you not, as I was leaving the ship, ask whether, owing to your supplying that particular news to the *Independent*, I would use my influence with Mr. M'Kenzie to get you something for it?—I do not remember.
394. Did you ever go up to the *Independent* office after that?—I did.
395. Did you get any money for supplying that news?—No, not for that telegram in particular, but their telegrams generally.
396. What did you get?—I got £1, which just about covered my expenses going to Melbourne upon that occasion.
397. You do not recollect Mr. Hutton boarding the "Gothenburg," and delivering the telegram on board?—No.
398. You would not be positive that he did or did not?—I would not. I did not make a note of these things.
399. You would not swear that he did not board the boat?—No.
400. You are quite certain that you gave paper marked A to the operator at the same time you delivered the telegram for the *Independent*?—Yes, along with letters.
401. Did you deliver the mails at the same time?—I believe I did.
402. Mr. Tipping, in the capacity of postmaster, took delivery of the mails?—Yes, and got that telegram I was carrying, and other telegrams.
403. When you handed him the paper marked A you did not make any comment?—No.
404. Did you hand it to him directly you gave him Mr. Hutton's telegram?—I think so. I wish to make a remark. I got that £1 three months afterwards, and I often think that it was a sort of bribe, and not given in the spirit it ought to have been given in. It has often occurred to me that it looked like a sort of bribe. I had carried telegrams for the previous twelve months, and I never got any money.
405. Mr. Webster.] Don't you usually make any charge?—No.
406. Mr. Steward.] Did you apply to the *Independent* then, or at any other time, for the payment of money for carrying this telegram, or did the proprietor or editor volunteer to give it?—I asked Mr. Hutton if it was usual to give anything for carrying these telegrams, and Mr. Hutton said he thought that just by mentioning it at the *Independent* office I would very likely get something.
407. You were under the impression that your services should be paid?—The other telegraph agencies here give something.
408. Did you think you were entitled to be paid for it?—I did think so.
409. Did you on any previous occasion, having that impression, take any steps to obtain payment?—No.
410. Then, there would appear to be something special with regard to this particular service. Do

you think there was any speciality in this particular service in bringing that particular telegram to cause you to apply for payment, whereas you had not previously applied. Do you think the circumstances different?—Yes, they got the benefit of all the news. That was an extraordinary circumstance, getting the news of the war.

Mr. Mailer.
10th Oct., 1871.

411. *Captain M'Pherson.*] Do you ever carry telegrams for the *Otago Daily Times*; and, if so, do they pay you?—They have made me presents.

412. On more than one occasion?—Yes. I always get something from Greville's people for carrying telegrams for them.

413. *Mr. Webster.*] Supposing Mr. Fordham came to you and asked you for extra information, and he desired to get all the information he could, is it likely or not you would give it: give any you had in your possession?—I think it is very likely.

414. If he had asked for any further information you would have told him?—Yes, seeing that the news had gone off by telegraph.

415. Did you hear any conversation on board ship as to any extra news that came by telegram?—No, I did not.

416. *The Chairman.*] You would not consider if Mr. Fordham asked you for news, there was any reason why you should not give it?—No.

417. *Captain M'Pherson.*] Was the item "France declared a republic," general news on board the "Gothenburg"?—No, I don't think so.

418. *The Chairman.*] Do you remember at about what time on the voyage you told the Captain?—I think it was in Hobson's Bay.

419. *Mr. Lemon.*] The document marked A is dated 24th September. Did you write it directly you got on board?—I could not be certain as to that.

420. *The Chairman.*] Did Captain Pearce make any remark to you afterwards during the voyage about that information?—I do not remember his having done so.

421. Nor any other person?—No.

The witness then withdrew.

The Honorable William Fox, Premier, in attendance, and examined on oath.

Hon. W. Fox.

422. *The Chairman.*] Amongst the charges made against the department in articles published in the press, is one to the effect that certain persons have had the use of the telegraph free, and not on the public service. Amongst the names mentioned are those of Mr. Reeves, of the *Lyttelton Times*, and Mr. Luckie. Mr. Lemon was examined and said he was aware of no such abuse, and he was then asked whether officers of the department would not obey the instructions of a Minister to send off a telegram free, although not on public service. Mr. Lemon replied that officers of the department would obey instructions of Ministers not coming through him. The Committee have thought it right that each Minister should be specially asked the question. Have you given any instructions to any officer of that department, or authorised Mr. Reeves or Mr. Luckie to telegraph free—without payment, and not upon public service?—Does the Committee mean a general, or a specific authority in any individual case?

10th Oct., 1871.

423. *The Chairman.*] I should say, speaking for the Committee, either specific or general?—No general authority has ever been given to any person that I am aware of; certainly not by myself.

424. But specific?—A specific authority in certain instances, the number of which I am prepared to state. Owing to this enquiry being conducted, and observations made in the House, I had a return made in the telegraph office here as to the number of telegrams received by me, franked, and authorised by me to be franked; that is both to me and from me, during the four months succeeding the dissolution of the late Parliament—December, January, February, and March—the whole period during which election arrangements, and election contests, and election petitions were in progress. The number of telegrams franked relating to matters connected with the elections during those four months (of course, not including those passing between me and Ministers, which are always franked under all circumstances) amounted to seventeen sent and twenty-one received; or at the rate of about four of one and five of the other per month. If the Committee wish, I will give the names of the parties to whom such telegrams were addressed.

425. Perhaps it would be satisfactory to the Committee?—I have mentioned the names of two gentlemen. No other names have been stated to the Committee. Some four or five telegrams passed between me and the Election Committee of the Hon. Mr. Dillon Bell, who addressed me on the subject of his election, at the time he was in Victoria, to enquire as to matters connected with his election and probable candidature. I think Mr. Wade was the chairman of Mr. Bell's Committee.* Two only passed between me and Mr. Reeves, one of which I think was an enquiry as to how the election went, and the other congratulated him upon his return. Those related to the Selwyn election. There were one or two with Mr. Donne, a defeated candidate on the West Coast, who consulted me upon a petition he had entered, and afterwards withdrew at my suggestion. The remainder were, to the best of my recollection, with Mr. Luckie, or Mr. Luckie's partner, Mr. Collins.

426. Do you consider that these telegrams were on public service, or merely for the personal information of Ministers?—Well, that is a difficult question to answer; it depends very much on the extent to which Ministers may have the right to frank generally. As between Ministers themselves they exercise a very large liberty of franking; between brother Ministers they, indeed, communicate somewhat in the manner of conversation. I do not think I ever communicated with Ministers on subjects purely private by franked telegrams.

427. Was the public service in your opinion benefitted by the franking of these telegrams?—In some cases; as that of Mr. Donne, I think it was. A necessity was imposed upon me by the public

* On referring to the returns, I see that these four telegrams are in excess of, and not included in, the numbers given by me before the Committee.—W. Fox.

Hon. W. Fox.
10th Oct., 1871. character of my office, to answer an enquiry with reference to the nature of election petitions. Mr. Donne applied to the Government to give him access to miners' rights, voting papers, and so forth. I declined to accede to his request. That, I did not consider in any way a private matter, and I was justified in sending and receiving franked telegrams in connection with it.

428. You received a telegram from Mr. Donne in the first instance?—I think he first came to Wellington and called upon me. After he returned to Charleston, one or two telegrams passed on what I considered, as far as I was concerned, a purely public affair. Some of the telegrams to other persons I cannot say should be considered as public, and the contents, looked at strictly, would be of a private character, and not strictly in the interests of the public service.

429. *Mr. Webster.*] When you say that these telegrams were personal to you, is it to be understood there were no other communications to the Government as a body. You gave no authority for communications excepting those you franked to Mr. Luckie and Mr. Collins; no authority to any officer or agent?—I wish to state that I never by letter or telegram—certainly not by telegram, and equally certain not by letter—at any time attempted to influence the action of any Government officer in reference to any election.

430. Mr. Luckie and Mr. Collins had no authority except to telegraph direct to you?—They only had authority in respect of each particular telegram. Never a general authority, but simply in reply to a telegram sent.

431. Would you wish the Committee to understand that the influence of Ministers as Ministers was not used with respect to any election?—Not to my knowledge through the telegraph, or in any other way. I was ill much of the election time, and at Rangitikei, and hardly knew what was going on at the elections.

432. *Mr. Rolleston.*] Do you think it would be justifiable for Ministers to telegraph free to the editors of newspapers to promote their own party views?—I do not know. I do not think I have ever done it; though I may have done it once or twice. I do not say absolutely I have not done it.

433. *Mr. Webster.*] Would you produce the telegrams that have been sent?—I do not think I ought. Their production would involve the confidence of other persons; and by the terms of reference to this Committee it was prohibited from inspecting telegrams. The Committee will see from the small number of telegrams sent and received by me that franking them was not a matter of any pecuniary importance. The total charges on them would scarcely come to £10. If the Committee express an opinion that franking should be confined to telegrams of a purely official character, I am sure that any Ministry in office would respect such an expression of opinion. If you like to say that no matters relating to elections excepting those that can be filed in a Government office shall be sent in franked telegrams, Ministers will, I am sure, act in accordance with that.

The witness then withdrew.

Mr. Reynolds.

Mr. W. H. Reynolds, M.H.R., in attendance and examined on oath.

10th Oct., 1871.

434. Witness stated:—Just about the time when leading articles were published in the *Otago Daily Times* about the English telegrams I happened to be in the Provincial Hotel, Dunedin. A man who was present said he was the man who had given the late English news to the telegraphist at the Bluff. Afterwards, I was told that the man I refer to was purser of the steamer "Gothenburg." I have just seen Mr. Mailer, and my impression is that he is not the man who made the statement I have referred to. Since Mr. Mailer left the room I have spoken to him, and he tells me he has no recollection of being at the Provincial Hotel at the time I referred to. I asked him if there was any other purser on board, and he said not. I asked him to describe the chief steward, and from the description he gave I think the chief steward was the man that made the statement in the Provincial Hotel.

435. *The Chairman.*] You have never seen that party since?—Neither before nor since to my knowledge.

436. Did you hear him say that he gave information to the *Independent*?—He said he gave information to the telegraphist that afterwards appeared in the *Independent*.

The witness withdrew.

THURSDAY, 12TH OCTOBER, 1871.

Present:—

The Hon. Mr. Stafford, in the Chair.

Mr. Farnall,
Captain M'Pherson,

Mr. Steward.
Mr. Webster.

Hon. W. Gisborne.

The Hon. Wm. Gisborne, Colonial Secretary, in attendance, and examined on oath.

12th Oct., 1871.

437. *The Chairman.*] Have you authorised any person to send telegrams, free of payment, excepting upon public service?—I have never done so excepting when I considered them to be on public service. I have never given any general authority to use the telegraph free but in special cases. I have franked telegrams.

438. The names of Mr. Reeves and Mr. Luckie have been used as having been authorised to use the telegraph free, not on public service. Has that been done by your order?—Never. I do not remember that I have received any telegram from Mr. Reeves. I have, occasionally, from Mr. Luckie, on what I considered to be public service—relating to public matters, but not election matters. I have never received any relating to election matters. I never put "reply free" to any I did not consider to be on public service. Ministers often receive telegrams from individuals that cannot be officially recorded, but are still on public service, and which would not have been received by any person not a Minister.

439. Do you consider that the telegrams to which you refer were strictly upon public service, or merely for the personal information of Ministers?—I never allowed any telegram to be franked unless I considered it strictly upon public service, either to or from me. *Hon. W. Gisborne.*
12th Oct., 1871.

440. Was the public service, in your opinion, benefitted by the franking of those telegrams?—That is a difficult question to answer literally. I considered it was for the good of the public service that they should be franked, because they related to the public service, but whether the result was a benefit I cannot tell. It was for the good conduct of the public service that they should be franked. There have been very few. I do not suppose I have franked twenty.

441. You have never authorised telegrams to be franked that were not strictly upon public service?—It was my belief that they were on public service or I would not have franked them.

442. You have not franked any that were of a personal character only?—No, and none upon merely electioneering matters. I do not remember ever to have franked a telegram not connected with the public service.

443. Do you think it would be justifiable for Ministers to telegraph free to the editors of newspapers to promote their own party views in a political sense?—I do not think it would be an advisable course to pursue, to make the public pay for it.

444. Do you not think it would be a violation of the telegraph rules and regulations?—Which rule do you refer to?

445. That no person shall have free use of the telegraph: that all telegrams shall be paid for.—A case might occur in which a grave misstatement had been made in the newspapers affecting the conduct of the public service or affecting the conduct of Ministers, and it would be justifiable for a Minister to contradict it in a franked telegram as much as it would be to do so in a letter upon public service. I think that for mere election or party purposes a Minister would not be justified—I should not feel justified in doing so.

446. You think it should be done when necessary for the defence of any public department, or when relating to the whole public service but not for party purposes?—The telegraph has not existed long, and there has only been one general election since it was established, and there is no precedent one way or another. I understand that in England and Australia the Governments use the telegraph for electioneering purposes. I am not aware of that as a fact, but I have heard so.

447. Would you have any objection to produce telegrams authorised by you to be franked?—There have been very few, and I cannot remember any particular instance of having franked a telegram to a person not an official, for those sent have been spread over a long time. I do not know any that I could refer the Committee to. Some are recorded in my office and they could be produced, others are not recorded, and I am unable to mention the dates, and could not produce them unless the telegraph manager could find them out for me.

448. The Committee understand that without a re-perusal of these telegrams you are unable to say yes or no?—They have passed out of my recollection, and the dates are not recorded in my office. There have been but a few, and I cannot recollect either the date or subject. I should not be able to direct the telegraph manager how to find them out.

449. Do you know anything of an accusation made against the department about a telegram from Hokitika in 1870?—I was not conducting the department then. I know nothing of my own knowledge, only what I have heard from the General Manager.

450. If the Committee express an opinion that franking should be confined to telegrams of a purely official character, do you think any Ministry in office would respect such an expression of opinion if assented to by the House?—If you mean by official telegrams those recorded in a public office, I think the public service would be injured by such a rule, because there are telegrams relating to matters intimately connected with the public service that could not be recorded or produced. No Government could be carried on unless Ministers received confidential communications, and that is especially the case with reference to Native affairs.

451. Do you take “official” to mean upon the public business of the country though not on the records?—Yes.

452. Attaching that sense to the word “official,” do you believe it would be the duty of Ministers to respect any expression of opinion by the Legislature that the franking of telegrams should be confined to matters of an official character?—Yes.

Mr. Gisborne withdrew.

The Hon. Donald M'Lean, Native and Defence Minister, in attendance, and examined on oath.

Hon. D. M'Lean.

453. *The Chairman*]. Have you authorised any telegram, received by or sent from you, from or to any person not being a public officer, and not on public service, to go free?—I am not aware of any instance in which I have authorised a telegram to go free except upon public service. When I have asked a question upon Native affairs—for instance, telegraphed a question to the Bishop of Waiapu—I have ordered replies to be free altogether. As a rule, I state on such a telegram, “reply free.” But those telegrams were always strictly relating to the public service.

12th Oct., 1871.

454. The Committee give a very large latitude to the term “public service,” and bring under that designation information and communications made, although not placed on the public records; for valuable information of a more or less confidential character would not be supplied unless those who gave it knew that it would be kept secret, especially so in Native affairs; but the Committee wish to know whether you would include in the term “official” matters of purely party importance, such as elections?—I may state distinctly that I have no knowledge of any instance of telegrams referring to elections that were not paid for. I paid for my own, because I looked upon them as private telegrams.

455. Excepting upon matters which really affected the administration of the Government—not upon political questions—but as a matter of State service, you have never authorised any telegrams to be sent free?—I don't recollect any. I have allowed very considerable latitude to Natives. I have

Hon. D. M'Lean. requested that officers at telegraph stations should not be strict in the way of charge to Natives who might come to the office. In one instance I allowed the chief Matene Te Whiwhi to telegraph free, owing to disturbances in his neighbourhood. As a rule, the Natives have been allowed to use the telegraph free, more as an inducement to make them appreciate its use, and with a view of having it extended throughout the country. Congratulatory addresses have been interchanged between Natives residing near a new telegraph office and myself. I look upon all that as strictly public, and in the interests of the public service. Of course, greater latitude has been allowed to them than would have been given to Europeans, excepting under exceptional circumstances. I should consider it unfair for a European who might send a telegram, giving information for the public service, to have to pay the expense of telegraphing. When I was at Napier I sent telegrams to the Bishop of Wellington upon Native matters, and ordered that replies should be free. I have been in the habit of making a distinction between private and public telegrams, and I pay for all private messages.

456. The authority given to Natives to use the telegraph free did not apply to election matters?—Not at all. The telegrams chiefly referred to obstructions to the telegraph wire. Stoppages were frequently caused by timber being cut down, &c., on their land, and the telegraph was used in order to have the difficulty removed, and that was strictly upon public service. Whenever I have any doubt in my mind as to whether a telegram is public or private, I pay for it, to do away with any doubt upon the subject.

457. Do you think it would be justifiable for Ministers to telegraph free to the editors of newspapers to promote their own party views?—No, I do not think it would.

458. Have you any knowledge of the matters referred to in the reports of the case of *Regina v. Barton*?—No, I was not in this part of the country at the time, and have never read the reports.

The witness withdrew.

TUESDAY 17TH OCTOBER, 1871.

Present :—

The Hon. Mr. Stafford, in the Chair.

Mr. Farnall,
Mr. Pearce,
Captain M'Pherson,

Mr. Rolleston,
Hon. Mr. Vogel,
Mr. Webster.

Mr. Barton.

Mr. George Burnett Barton in attendance, and examined on oath.

17th Oct., 1871.

459. *The Chairman.*] Mr. Barton, in your telegram from Queenstown, dated 23rd September, you tell the Committee that you think you can give material evidence upon the question of the enquiry before the Committee, especially as to the question of Ministerial influence upon the administration of the Telegraph Department. Would you state to the Committee what you mean by the question of Ministerial influence; the implication being that it was improper?—I wish to begin by stating that the evidence I am prepared to give upon this subject relates not to specific facts in connexion with the administration of the Telegraph Department, so much as evidence to the general administration of the department. In the articles which appeared in the *Otago Daily Times*, and which formed the basis of the prosecution against me in Dunedin, the substance was directed towards the Ministerial influence in operation. The article in the *Daily Times* of 3rd October, 1870, states that "We are in a position to prove that the Telegraph, as it is now conducted, is subject to Ministerial influences of the most reprehensible character," and then proceeds to point out what the Ministerial influences were. It is also necessary that I should state the manner in which this question arose so far as I am concerned. For some time previous to the publication of this article, I had been anxious to establish in connection with the *Otago Daily Times*, of which I was then editor, a system of press telegraphic communication in the nature of a press association. A system of the kind has been at work for many years in the United States and Australia and latterly in England. Up to that time, I believe, there had been no such system at work in New Zealand, and, consequently, the journals throughout the colony had all been acting independently of each other as regards supplies of telegraphic news, and were suffering from the want of co-operation in the matter. The proprietors of the *Otago Daily Times* approved of my proposals, and in June, 1870, I travelled throughout the Colony for the purpose of making the necessary arrangements with newspapers, and also of making what arrangements I could with the Telegraph Department. In June last year, I accordingly saw Mr. Lemon, General Manager of the Telegraph Department, and also Mr. Vogel, Commissioner of Telegraphs. It was essential for the success of the system that the association should endeavour by all means to obtain the first use of the wires upon the arrival of the English mail. This I explained both to the newspapers and to the General Manager, and to the Commissioners of the Telegraph Department. The newspapers that joined were prepared to pay a large annual contribution, they would not have paid unless to obtain a priority in the receipt of telegrams on the arrival of the English mail. It was part of my object that one paper only in each town in the Colony should join the Association, and I promised that that paper, so far as we were able to manage it, should obtain telegrams of the English mail news before the rival paper in the same town, which did not belong to the Association. The Government had shortly before this—in June, 1870—announced its intention to the papers throughout the Colony of abandoning the system, for some time in practice, of supplying telegrams to the newspapers. I produce two circulars in original addressed to the *Daily Times*, by the General Manager of the Electric Telegraph Department. The first is dated 23rd March, 1870, and the second 26th May, 1870. [*Witness reads letter dated 27th March, 1870.*]

Vide Appendix.

With reference to that circular, I desire to call the attention of the Committee to the fact that the quotation given by the Manager of the Telegraph Department, from the regulations, is not correct, inasmuch as it suppresses a most important clause with reference to the particular point which he called the attention of the newspapers to. The clause which the circular quotes ends with these words, "This regulation does not apply to English mail press telegrams." These words were suppressed

in the circular. [*Witness reads circular of 26th May, 1870*]. It was perfectly understood by myself, and I believe by every other journalist in the Colony, that the Government had by this circular distinctly and clearly announced their intention to remove the restriction of 200 words, if it had ever been legally in force, with regard to the English mail press telegrams. If it had not been for that understanding, it would have been out of the question to attempt to establish a Press Association such as I contemplated, simply because it would have been impossible to supply any newspaper with telegrams before any rival paper, if 200 words at a time only could be transmitted. That, I repeat, was a clear understanding at the time, as far as I understood it, between the Government and the newspapers in the Colony, and on that understanding the Press Association was carried out by myself.

When I was in Wellington in June, 1870, I saw Mr. Lemon and Mr. Vogel on this subject, and I think that in course of my conversation with Mr. Lemon and Mr. Vogel, I alluded to this restriction of 200 words, and gathered from them that the restriction was finally abandoned. I did not see both of these gentlemen together, but each at his own office. With reference to these interviews, I may state that so far as Mr. Vogel was concerned, my interview took place at his own request; that on my arrival in Wellington he asked me to see him at his office at the Treasury, and I accordingly called upon him at his office. The conversation related almost entirely to these telegraphic arrangements. I explained to Mr. Vogel the nature of the Press Association I was about to carry out, and we discussed the terms upon which the "*Southern Cross*, of which Mr. Vogel was proprietor at the time, should be admitted into the arrangement. I explained to Mr. Vogel that it was necessary that each paper should contribute to the expenses of the Association inasmuch as the outlay was large. Mr. Vogel thought that the *Southern Cross* ought to be supplied for nothing. I told him it was impossible we could supply any paper for nothing, unless under very special circumstances. Mr. Vogel pressed me rather upon this point—with regard to supplying telegrams to the *Southern Cross* for nothing—and suggested that some arrangement might be made by which the *Southern Cross* might supply Thames telegrams. I said we could supply those ourselves by having a proper agent for the Association at the Thames. Mr. Vogel asked me whether I could not make arrangements with him at once for the admission of the *Southern Cross* into this arrangement. I told him that I considered it more advisable that I should visit Auckland first and see the newspapers there upon the subject, my intention being to ascertain whether the other paper in Auckland, the *New Zealand Herald*, might not be prepared to offer some terms for admission into the Association. I accordingly went to Auckland and made my arrangements there, and saw the managers or those connected with the *Cross* and *Herald*. On my return from Auckland a week or two afterwards to Wellington, Mr. Vogel again requested me to see him. I promised to call upon a certain day in the week, and having forgotten the engagement I was reminded of it by Mr. Fox, Mr. Vogel's Private Secretary, who called upon me at the Club, where I was stopping, and told me that Mr. Vogel wished to see me at the Treasury. I went up to the Treasury, and saw Mr. Vogel. Mr. Vogel then asked me what arrangements I was prepared to make. I told him that I thought the proprietor of the *New Zealand Herald* was willing to pay the Association some £25 a-year for the receipt of telegrams; that I thought that the proprietor of the *Herald* had entered into an arrangement with me to that effect. Mr. Vogel, I may say, expressed a doubt that the proprietor of the *Herald* would make any such arrangement, and I told him that I thought an arrangement had been made between us. I may say that I subsequently received a letter from the proprietor of the *Herald* stating that he could not carry out any arrangement with me.

460. *Mr. Vogel.*] Have you got that letter?—I have not got it with me. It might be in the *Daily Times* office, for I generally kept those letters. I received it after I reached Dunedin.

461. What was the tenor of that letter?—I forget. It simply said that he was not prepared to carry out any arrangement with me upon the subject. I considered he was cancelling the arrangement he had made with me.

462. Do you say that the *New Zealand Herald* had, whilst you were in Auckland, expressed its willingness to pay £25 a year?—Something like that, £20 or £25 per annum.

463. And to enter into an arrangement at once?—I said it was made between us.

464. Before you left Auckland?—Before I left Auckland, and I told you about it at your office in Wellington. Mr. Vogel then asked me whether I would not take the *Southern Cross* in for nothing, and urged me to do so. I told him I could not make an arrangement because the expenses were heavy, and if we undertook to supply the *Southern Cross* with telegrams our agents would have extra work and would expect extra remuneration.

465. *Mr. Vogel.*] You have said that when you stated that you had entered into an arrangement with the *Herald* for £20 or £25 a year I asked you if you would take the *Southern Cross* in for nothing?—You asked me to take the *Southern Cross* in for nothing after I had told you that. With respect to my interviews with Mr. Lemon, General Manager, I had two or three with him upon the general subject. I may say that I considered myself very much indebted to Mr. Lemon for the attention which he paid to me upon that subject, and also for the willingness he displayed to carry out the arrangements of the Association, so far as he possibly could. I made a proposal to Mr. Lemon that, in consideration of the great relief which the telegraph department would experience in consequence of this Association, inasmuch as the principal papers in the Colony would be receiving one message instead of so many different messages, that the Telegraph Department should allow us a reduction of the wire charges, and I suggested 20 per cent. as a fair reduction in consideration of the relief the department would enjoy under this arrangement. After a good deal of discussion upon this proposal, Mr. Lemon told me that he thought it was a fair proposal, and would recommend it to the Commissioner. I left Wellington under the impression that the General Manager, having agreed to recommend this reduction, the Telegraph Commissioner would grant it. Perhaps I may be allowed to state, as showing that the proposal I made was a fair one, and one that the Government might fairly grant without injury to the public, that a similar reduction was granted in England to the Press Association by the Imperial Parliament in the Telegraph Act recently passed. Now, I will come to the facts which, in my opinion, substantiate the charge I felt it to be my duty to make against the Government, of manipulating the telegraph for political purposes. I think the first mail telegrams

Mr. Barton.
17th Oct., 1871.

Mr. Barton.
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that arrived after my return to Dunedin came upon the 8th September, and I think those telegrams contained the very important news of the outbreak of the war between France and Germany. I think the telegrams arrived at Hokitika on the night of the 8th September. They were handed in by our agent, Mr. John White, now a member of the House of Representatives, at 10 o'clock on the night of the 8th September. The telegrams were received at the *Daily Times* office at 12 o'clock. They were coming through at 12 o'clock midnight. I was in the *Daily Times* office at that hour. I concluded of course that all papers in the Association would be receiving their telegrams about the same hour—allowing for distance. Among the papers in the Association was the *Evening Post*, which was then, as it is now, in opposition to the existing Government. I should have stated before that I declined to take in the *Wellington Independent*, a Ministerial organ, because the terms proposed were such that I could not accept. On the following morning I inquired by telegram from the papers whether they had received the English mail telegram, and I was surprised to learn that the *Evening Post* had not received its telegram that night. We afterwards ascertained that the telegrams had been kept in the Wellington office from the time at which they arrived, which must have been twelve o'clock on the night of the 8th September, until seven or eight o'clock next morning. That is the telegram for the *Evening Post*, which was addressed solely to the *Evening Post* in Wellington. The *Evening Post* was the only paper in Wellington that could have received its telegram first. I also ascertained from our agent, Mr. White, that he had been an hour before the agent of the *Wellington Independent* in getting the telegram in at the Hokitika office, and according to the usual management of the department, and the express regulations, the telegrams first received were to be first transmitted. Consequently if the *Evening Post* had received its telegrams according to the usual practice of the department, it would have received them at least an hour before the *Independent* had received its. I telegraphed to Mr. Lemon to ascertain the reason for the extraordinary departure from their usual practice, and I received from him in reply—[Mr. Lemon here produced the telegram, as follows:—"Wellington, 10th September, 1870. Barton, *Daily Times*, Dunedin. See last part of last circular, addressed you, and all other papers relating to where two wires are in circuit. We have only one wire from Hokitika to Christchurch. The last time mail came your telegram monopolised the wire to the detriment of private work. We make our own arrangements for working circuits, irrespective of persons. C. LEMON."'] I could make nothing of that telegram so far as the departure from practice was concerned, and I may state that on showing it to a telegraph officer for an explanation he could not explain it either.

466. Mr. Lemon.] Did you ask him if he had seen the circular it referred to?—No, I did not. I did not think it would have had anything to do with the matter. I afterwards ascertained that these telegrams had been sent to the *Hawke's Bay Herald*, a ministerial journal, a member of the Press Association, and had been received and published by the *Hawke's Bay Herald* actually before it had been received by the *Evening Post* in Wellington.

467. Mr. Vogel.] How did you ascertain that?—By telegraph. I will explain in a minute how. In the *Hawke's Bay Herald* of the 9th September, I observed the whole of these telegrams, and also a paragraph stating that they had received their telegrams in time for the usual morning publication. In accordance with the usual practice of printing offices, any morning newspaper—the *Herald*, for instance—would have gone to press at 2 to 3 o'clock, or at 3 o'clock in the morning, and would have been published at about 5 o'clock.

468. Was the *Hawke's Bay Herald* a daily paper?—I think it was a tri-weekly paper.

469. Is it an invariable practice to go to press at two or three o'clock in the morning?—It is the usual practice to go to press about three, and publish at about five or six. It would all depend upon the staff and other things.

470. Do I understand you to assume that the *Hawke's Bay Herald* received its telegram about a certain hour because it was usual to go to press at a certain hour. Is that the only evidence as to the time at which the *Herald* received the telegrams?—They published the telegrams upon the morning of the 9th September, and must have received those telegrams in time to enable them to print them and work them off and publish them, which would have taken them some hours. Even if they published at eight o'clock they must have received those telegrams some hours—two to three hours before that. The publication of long English telegrams involves some delay, because they require to be written out, then set up, proof pulled, corrected, and revised before their publication. A reference to *Hansard* of last year will show that the Hon. Colonel Whitmore asked a question in the Council as to the cause of the delay in the transmission of those telegrams, and the Hon. Mr. Gisborne said he would enquire into the matter. Mr. M'Indoe asked the Commissioner of Telegraphs, in the House of Representatives, a question upon the same subject, to which Mr. Vogel replied:—"Telegrams are transmitted in the order in which they are received." Now, it seemed perfectly clear to me, as editor of the *Otago Daily Times* at that time, that the telegram addressed to the *Evening Post*—an opposition paper—had been delayed improperly by the Telegraph Office for purposes which I could only explain as political purposes; that is, to save the *Independent*—a Ministerial journal—the humiliation of a defeat upon such an important occasion, the Telegraph Department had been instructed to delay those telegrams in the Wellington office so that the *Wellington Independent* might come out next morning with its telegrams at the same time as the *Post*. That was the interpretation I put upon it. At the same time, this obstruction of the limit of 200 words occurred, without any letter informing me of the fact, so far as I can recollect. The Government had broken the understanding between themselves and the papers, and had suddenly interposed this obstacle to the proper despatch of our telegrams by requiring the officers at the various stations to send but 200 words at a time. I also received a letter from the General Manager informing me that the Commissioner of Telegraphs declined to allow the reduction which he had agreed to recommend of 25 per cent. upon the wire charges.

471. Did the Manager state he had recommended, or agreed to recommend?—He told me he would recommend it to the Commissioner.

472. You stated you received a letter, in which the Manager said that the Commissioner declined to accede to the reduction that the Manager had recommended?—I did not state that the letter said the Manager did recommend it. I simply gave the substance of the letter.

473. Did the letter state that the Manager had recommended a reduction?—I did not say that the letter stated that the Manager had recommended a reduction. I said the reduction the Manager had agreed to recommend. It appeared to me that on consideration of these circumstances—the delay in the transmission of the telegrams, the unexpected obstacle of the 200 words provision placed in the way of the transmission of telegrams, and also the refusal of the reduction—that the Government were determined to oppose the Press Association as far as they could, through the Telegraph Department. In other words, I considered that the Telegraph Department was under Ministerial influence of a political character. With reference to the charges themselves, and the view I took of the matter, I should explain that I never had any fault to find with an officer of the department, with operators, or men in charge of stations, but that the complaint referred solely to the Ministerial management of the department. I come next to the telegram of the 30th September—the Bluff telegram. These telegrams arrived, I think, on the morning of Friday, 30th September, 1870, and were coming through at ten o'clock. The first item of news was that Napoleon was a prisoner in Prussia. The excitement in Dunedin was very great indeed, in fact, unexampled. The *Daily Times* office was surrounded by a crowd of people from ten o'clock to two, who were waiting for these telegrams. We received them in slips at about an interval of an hour, 200 words at each time. The public was very much incensed at this delay, and freely attributed it to mercenary views of the proprietors and publisher of the paper, whom they accused of delaying the publication of the telegrams for the purpose of increasing the sale of the extras. Considering it my duty to free the paper as far as possible from the charge, which was likely to damage it in public estimation, I said next morning that the delay was not owing to any fault on the part of the paper, but simply to the action of the Telegraph Department, which delayed the transmission of the telegrams; that was in a paragraph that appeared in the *Daily Times*. On Saturday, 1st October, I received a telegram from the *Evening Post*, which is published in this article of the 3rd October, 1870. I had asked the *Evening Post* how they had received their telegram, as I was anxious to find out any unfairness with their transmission as before. They sent me back that reply. That reply stated that the *Independent* had published a telegram, word for word the same as that transmitted for the *Post*, and accounting for it by saying that the *Independent* must have been supplied with a copy of that telegram from the Telegraph Department. Now, I will state the circumstances which led me to come to the same conclusion upon the subject. It was part of the arrangements I had made for this Association that the *Argus* in Melbourne should supply us with mail telegrams arriving by the Suez boat. I was aware that on that occasion when the "Gothenburg" left Hobson's Bay for New Zealand, the Suez telegrams were coming through the wires from Adelaide to Melbourne, and, knowing that the *Argus* always had priority in the receipt of mail telegrams, I also knew that no other agency but the *Argus* could have been receiving those telegrams at that time, and I also knew that the "Gothenburg" had been detained in Hobson's Bay for the purpose of receiving the latest telegraphic news before sailing for New Zealand. The telegraphic despatch for the *Otago Daily Times*, that is for the Association, had been telegraphed from Melbourne to Queenscliff, a distance of 40 miles, to the agent, Mr. Singleton, with instructions to put it on board the steamer as she was sailing out. I wrote to the manager of the *Argus* for full information on this subject. He sent me a letter stating the facts—to the effect that the despatch put on board the Gothenburg for the *Otago Daily Times* was the only despatch which could legitimately find its way to New Zealand with the late news.

474. Have you that letter?—I have not got it here, it is in the *Times* office.

475. Has it been published?—Yes, at the time you were in Dunedin. The morning after your speech in which you said that the purser had supplied the *Independent* with news. I published it to show that your statement could not have been correct. The manager of the *Argus* sent me a letter from Mr. Singleton, in which he stated that he had put the telegraph despatch for the *Daily Times* on board the "Gothenburg" as she was steaming outside the Heads, and that to his certain knowledge no other despatch was put on board, as his was the only boat that boarded the steamer. He stopped the vessel by flashing a blue light when she was passing out. I was satisfied then that as the *Daily Times*, or rather the Press Association, was the only legitimate receiver of this late and important news, that if that news had been simultaneously published by any other paper outside the Association, it must have been improperly obtained. I produce letters referred to. [Reads letter from Hugh George to G. B. Barton, dated 23rd December, 1870.] Mr. Vogel stated at Dunedin that the explanation of the whole matter was very simple, and used these words, "The purser who had charge of the message for the *Independent* called at the *Argus* office before leaving Melbourne. He was personally acquainted with Mr. George, the manager, he received the information from that gentleman, and he afterwards furnished the information at Southland to the operator of the Telegraph Office, who forwarded it to the *Independent*." The second letter from Mr. Hugh George, says [Reads letter.] Knowing these facts, and knowing that our own telegram was the only one that could have been legitimately received in the Colony, I came to the same conclusion with the *Evening Post*—that is, that the *Independent*, having published the same telegram word for word, had improperly obtained the telegram, and feeling very strongly that the existence of the Press Association was at stake, and that it had to contend against the Government, I thought it necessary to write in the paper upon the subject. It was what I considered an abuse of Ministerial power, maladministration of a very important department, and at the same time an unjustifiable attempt to crush a private enterprise. I accordingly wrote the articles which were made the basis of the prosecution against me, and I may be allowed to state that, since then I have found no reason to retract the opinions I then expressed. Perhaps I may also be allowed to say that the explanation given by the Government—that is by the witnesses, in the Resident Magistrate's Court at Dunedin—and by Mr. Vogel in his speeches in Dunedin, have failed to satisfy me that the statements made by me with reference to those particular telegrams were incorrect. It seemed to me that the theory set forward by the Government did not satisfactorily account for the difficulty with respect to that mail telegram at the Bluff. In the first place, I wish to call the attention of the Committee to these important facts as I conceive. Immediately after the publication of these articles in the *Daily Times*, the Ministerial journal in Wellington, the *Independent*, which was generally in the habit of affording what appeared to be Ministerial explanations of suspicious circumstances,

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published several articles or paragraphs upon the subject. In every one of those articles published in the *Independent* that journal asserted in the most emphatic manner that the telegrams it received (which I may call our Queenscliff telegram) had been received legitimately from its own agent in Melbourne, and the *Independent* denied that it had obtained its telegrams upon that occasion from any other source but that. In the second place, after Mr. Vogel's arrival in Dunedin—nothing previously having been said about the connection of the *Star* with the matter—there appeared a leading article in the *Evening Star*, also, notoriously a Ministerial organ, stating that the telegrams received by the *Independent* had come from the *Star* office. These articles appeared a few days after Mr. Vogel had delivered his speech in Dunedin, in which he stated that the *Independent* had received the news from the purser of the vessel; the explanation given by Mr. Vogel being in fact contradicted by the explanation given in the *Star*. I spoke to Mr. Bell, the proprietor and editor of the *Star*, about the matter immediately afterwards. He told me he knew nothing whatever about the matter. He also said that when he was first told—I believe he was first told by Mr. Ebenezar Fox, Mr. Vogel's Private Secretary—that the *Star* had sent the telegram, he declined to be mixed up in the matter at all, as he knew nothing about it. The second speech made by Mr. Vogel, which contained a second explanation of the matter, was based on the statement made in the *Star*, which was that the *Star* had sent the telegrams to the *Independent*. It would seem to me that if this had been the simple explanation of the matter, it must have been in the knowledge of the Government from the very first, and if they thought it necessary to make explanations in the matter in the *Independent*, or otherwise, they would have made that explanation in the first instance, instead of bringing it out at the last moment.

476. You only assume that the explanations made in the *Independent* were made by the Government. When you state they were made by the Government you refer to explanations you assume to have been made by the Government?—I regarded them, as the public generally do, as Ministerial explanations. I wish to state the reasons I believe animated the Government to oppose the Press Association as it seemed to me they did. In the first place, the Press Association was regarded by the Government as an Association of opposition papers. Although the *Lyttelton Times* and *Hawke's Bay Herald* were members of the Association, and although my object was not to make the Association a political one, yet, the exclusion of the *Independent* and *Southern Cross*—which I believe were Ministerial papers—from the Association, led the Government to form the idea that the Association was acting from opposition motives. In the second place, the fact that Mr. Vogel was proprietor of the *Southern Cross*, and also the Commissioner of Telegraphs—that he made the proposal to me to supply that paper with telegrams without charge, and I had refused to do it—was also some reason for this otherwise unaccountable opposition manifested by the Government. In the third place, I may be allowed to state according to public opinion upon the subject, Mr. Vogel, the Commissioner of Telegraphs, had, on previous occasions, displayed personal animosity towards myself; I mean, immediately after my arrival in Dunedin in July, 1868, when I succeeded him as editor of the *Daily Times*, I was subjected to a series of personal attacks in the *Evening Star*. That a short time afterwards a paper named the *Sun* was started in Dunedin, which was edited by Mr. Vogel. In this newspaper there appeared, I may say, day after day, a second series of personal attacks directed to myself. These are the reasons which led me to believe that the Government, in its opposition to the Press Association, was actuated by motives which I considered to be at least questionable. I omitted to state in opening my evidence that, before I went through the Colony for the purpose of establishing the Association, I received a letter from Mr. Reeves, the proprietor of the *Lyttelton Times*, in which he said that Mr. Vogel had acquainted him of the intentions of the Government with reference to the supplying of telegrams, and had also expressed a desire that the *Southern Cross* might be included in any new arrangement that might be made. I wish, in conclusion, to mention the names of some gentlemen who might be examined by the Committee for the purpose of corroborating my statements. In the first place, Mr. Reeves himself might be asked whether he had not written me such a letter containing such a statement some time before June, 1870. I think that letter is in the *Daily Times* office. In the second place, I suggest the name of Mr. John White, who acted as agent for the Press Association at Hokitika, who can give information to the Committee as to the despatch of telegrams on the arrival of the mail, by himself and by the opposition agent. I think Mr. Ebenezar Fox might be examined as to the conversation which he had with Mr. Bell about the article which appeared in the *Star*, and supplying him with the information contained in it. Mr. Vogel himself would, I have no doubt, corroborate the statement I have made with reference to this matter in which I have made mention of his name. Mr. John Hay, editor of the *Independent*, can prove that the statements made by the *Independent* were such as I have represented them to be. Mr. Hart, reporter for some time on the staff of the *Independent*—during last session—could give evidence, I believe, to the effect that he overheard a conversation between Messrs. Fox and Vogel with reference to the mail telegrams of the 8th September. Mr. Montrose, who is now manager of Greville's Agency, can prove that he was allowed a reduction amounting, I believe, to 20 per cent on his wire charges, although refused to the Press Association. And he can also prove that he was allowed free use of the wires by the Government while negotiating with the papers in opposition to the Press Association. He told me in Dunedin that the Government had made certain allowances amounting to 20 per cent, and also had allowed him free use of the wires to negotiate with the papers. There is a witness named Montague Mosley, who was formerly a clerk in the Telegraph Office, who could give evidence upon the subject. Mr. Lemon could also give evidence as to the nature of the interviews I had with him in connection with this inquiry.

477. *The Chairman*.—You stated, Mr. Barton, that you had interviews with Mr. Lemon, and amongst other questions which were discussed was a reduction to the Press Association, but no reduction followed from that suggestion of yours?—No. I have stated that the Government declined to grant it.

478. Did you come to any understanding with reference to the 200 words?—I believe that I did. I believe I discussed the matter both with Mr. Vogel and Mr. Lemon, and with journalists. It was absolutely essential to the success of the Press Association that that system should be abolished.

479. Did the Government promise that they would abolish it?—I understood from the circulars that that provision would be abolished. In practice I found almost immediately afterwards the Government interfered and enforced the regulation without any communication to me on the subject.

480. Did you make any remonstrance to the Government?—I believe I did, but I am not at present prepared to say what the remonstrance was. I was telegraphing to Mr. Lemon on the subject, and I made frequent inquiries at the telegraph office at Dunedin as to the rules, and I endeavoured to obtain all the information I could. At that time I was not aware of the actual printed regulations of the department, because I had no authentic copy. I got a copy, and I found the regulations printed as they are here. [*Reads clause No. 6, concluding thus: "This regulation does not apply to English mail press telegrams."*] I got them from an officer of the department. As no regulation was made abolishing this, that action of the Government was illegal. That was another reason which influenced me in writing these articles to attack the administration of the department.

481. *Mr. Vogel.*] What officer supplied you with a copy of those regulations?—I have no objection to mention the name, but I leave it to the Committee to say whether I should tell the name of the officer. It might prejudice him, but could not prejudice me.

[The Committee postponed decision as to whether the question should be answered.]

482. Did you tell the Committee that you were given a copy of these regulations, or simply shown them?—A copy was lent to me. Having made up my mind to write about the matter, I asked for the regulations and got a copy.

483. *The Chairman.*] You have stated generally, Mr. Barton, that you have no fault to find with any of the operators, but with Ministerial interference. You have stated that the telegram of the 8th September for the *Evening Post* was delayed in the Wellington office. Do you mean to say that it was delayed by the action of the operator, or that he received instructions from Ministers or from his superiors to delay it?—Most decidedly I think he received instructions from the Ministerial head of the department to detain the telegram—I mean the Commissioner of Telegraphs. That is my impression, because I cannot account for it otherwise. I wish to add that I wish Mr. Hart to be examined to prove that he overheard a conversation between Mr. Vogel and Mr. Fox in which he says they were chuckling over the way in which they had done the *Post*. That was in the office of the *Independent*, when he (Mr. Hart) was writing out his notes of a debate in Parliament. The conversation took place in the next room, between Mr. Vogel and Mr. Fox, the Premier.

484. *Mr. Vogel* said:—I wish to state that I give a total denial to a great many of Mr. Barton's statements with reference to myself, and am quite prepared to do so on oath.

485. *Mr. Vogel.*] Mr. Barton stated generally that he adhered to all he had written respecting the telegram referred to. In an article in the *Daily Times* of 7th October, there is this passage—"The conclusion, therefore, is clear: the telegrams were obtained through the special favor of the Government, which ordered the telegraph to supply the *Independent* with a copy of our telegrams in defiance of common honesty as well as written law." Is that your opinion still?—I have said in my evidence it must be the more rational explanation to give of it.

486. Does that passage still give your opinion?—Yes. I do not wish to take the words of that article. I consider the explanation given in the article more consistent with fact than that given by the Government. The Government explanation was contradictory, inconsistent, and confused, and I cannot take it as a satisfactory explanation of the circumstances.

487. I understand you to say that you see no reason to recall anything that you had written, and that you believe still that what you had written is correct?—I have said all that I have to say upon this particular subject.

488. Do you believe that the telegrams were obtained by the special favor of the Government, which ordered the telegraph to supply the *Independent* with a copy of your telegram?—That seems to me to be the most rational explanation of the two.

489. Do you believe that that is the case, or do you know that the telegrams were obtained by the special favor of the Government?—In effect, yes. I believe that that seems to me to be an explanation of the matter; that the *Independent* received the telegram through the favor of the Government. I wish that a copy of the *Hawke's Bay Herald*, of the 9th September, and the paragraph to which I alluded, may be obtained, as that will be strong evidence on an important point.

The witness then withdrew.

George Robert Hart in attendance, and examined on oath.

Mr. Hart.

490. *Mr. Vogel.*] Do you recollect making any statement to Mr. Barton?—I never had any communication direct with Mr. Barton at all. I do not know Mr. Barton personally at all.

491. Do you recollect having any communication with anyone as to having overheard a conversation concerning this telegraph matter?—Not that I recollect at all.

492. Did you ever overhear any conversation between the Hon. Mr. Fox and myself?—I never recollect having overheard any interview between those two.

[The following extract from Mr. Barton's evidence was read:—"I wish Mr. Hart to be examined to prove that he overheard a conversation between Mr. Vogel and Mr. Fox, in which he says they were chuckling over the way in which they had done the *Post*. That was in the office of the *Independent* when he (Mr. Hart) was writing out his notes of a debate in Parliament. The conversation took place in the next room between Mr. Vogel and Mr. Fox, the Premier."]

493. *Mr. Vogel.*] Is that correct?—It is not.

494. Have you ever overheard any interview of the kind?—I have overheard some conversation, but not with Ministers.

495. You are a reporter?—Yes. I was engaged last year on the *Independent* as Parliamentary reporter.

496. Have you ever heard any conversation with reference to this matter?—No. With reference to different matters.

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497. Does this statement of Mr. Barton's suggest to your mind any possibility as to how that statement could have arisen?—No.

498. Are you utterly unaware of what grounds there are for supposing that you could make such a statement?—I do not know that there were any grounds. I never communicated with Mr. Barton at all, and not with others that I am aware of. I may have stated I overheard a conversation, but not with Ministers. I had a conversation with Mr M'Kenzie relative to this matter.

499. What conversation did you overhear?—None that I recollect. I have no recollection of overhearing any conversation whatever.

500. Did you hear anyone talking of the way in which the *Post* had been done?—The only recollection I have of that is that I went down to the office on the morning of the arrival of the telegrams, about half-past 7 o'clock, as near as I recollect, and Mr. M'Kenzie said to me, although the *Post* got the wires first, they have not got the telegram first. I will not be positive as to the words, because a long time has elapsed.

501. Do you recollect about what date that was?—I have no idea as to the date.

502. Do you understand what was the meaning of that sentence?—I do not know. I had no idea. I did not take particular notice of it at the time. I only thought it was a matter of newspaper sharpness.

503. Did Mr. M'Kenzie imply that he had got it through the Government?—It did not imply that interpretation.

504. *The Chairman*.] You state positively that you never overheard Mr. Fox and Mr. Vogel at any time refer to this question of the telegram from Hokitika?—I have no recollection of seeing them at all in the office during my stay here.

505. You never heard them in conversation there at any time?—No.

506. *Mr. Rolleston.*] Can you account for such a statement having been made in any way as that you overheard a conversation?—I cannot account for it in any way.

507. *Mr. Bathgate.*] It is right to disabuse your mind, I do not think that Mr. Barton said he heard you say what has been stated. Did you say anything to any other person that would lead to a statement of that kind?—I do not think so. I cannot charge my memory.

508. *Mr. Rolleston.*] What evidence did you think you were going to be asked for in this matter?—I did not know. I telegraphed to Mr. Stafford all that I knew about the conversation with Mr. M'Kenzie.

509. *Mr. Bathgate.*] If there was some positive evidence that you had mentioned something of the kind, could you say it was not true?—I cannot say it is not true.

510. *Mr. Vogel*.] Are you in the habit of making statements that are not true?—No.

511. *Mr. Bathgate.*] I ask you are you prepared to deny that you ever made a statement that you overheard an interview between Mr. Fox and Mr. Vogel in which they were chuckling over having done the *Post*?—I am prepared to state that I never made that statement. [*The telegram from Mr. Hart to the Chairman of the Committee was read.*] I was not prepared to swear to the accuracy of details, as to dates and so forth.

512. *Mr. Vogel.*] Do you know anything more about the conversation?—No, nothing more than I have detailed to you this day.

513. *Mr. Lemon.*] Have you had any conversation with anybody with reference to this matter since your arrival in Wellington?—No.

514. Have you been spoken to by anyone?—People have asked me what I am here for, and I have said I am about to give evidence before the Committee, but did not say what the evidence was.

The witness then withdrew.

WEDNESDAY, 18TH OCTOBER, 1871.

Present:—

The Hon. Mr. Stafford in the Chair.

Mr. Farnall,
Captain M'Pherson,

Mr. Rolleston,
Hon. Mr. Vogel,
Mr. Webster.

George Robert Hart in attendance, and examined on oath.

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515. *The Chairman.*] You have said you had further statements to make?—Yes. In my evidence yesterday I made a statement in error. I said I did not know on what grounds the rumour arose to the effect that I had overheard a conversation between Mr. Fox, the Premier, and Mr. Vogel, respecting having done the *Post*.

516. What statement do you wish to make?—On my return from Wellington to Christchurch I had a conversation in the office of the *Press*, I believe with the sub-editor, Mr. Guthrie. I was under an erroneous impression at that time. What I stated would bear the interpretation that I had overheard a conversation of the character alluded to. I now remember having a conversation with Mr. Guthrie about having overheard a conversation, but the statement I then made was in error. The statement was that a conversation had taken place.

517. *Mr. Vogel.*] Between whom?—So far as I recollect I did not say between whom. I told Mr. Guthrie that a conversation relative to telegraphic matters had taken place.

518. *The Chairman.*] Did you tell Mr. Guthrie that the conversation you refer to was one you had overheard?—I do not recollect. The impression upon my mind is that I referred to it as having been learnt by me from information I received.

519. Not that you overheard?—I could not say. I could not have said that I overheard a conversation in the other room, because there was only one room there in which all the business was

conducted. I believe the conversation Mr. Guthrie and I had together led him to believe that there had been a conversation about this telegraphic matter between Mr. M'Kenzie and some others. I do not believe I mentioned Ministers. Since then I have had reason to believe that the statement I made was unfounded and false. Mr. Hart.
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520. *Mr. Webster.*] What did you say to Mr. Guthrie?—I cannot state positively. I do not recollect. The impression I was under at the time that I had overheard a conversation was wrong.

521. *The Chairman.*] I could understand a man being told second-hand?—I mean to say that I got the information second hand. I do not know what it was.

522. *Mr. Rolleston.*] Was Mr. Guthrie justified from what you said to him in believing that a conversation to the effect that the *Post* had been done, had taken place and had been overheard?—Yes.

523. *Mr. Vogel.*] Do I understand you to state that you did not overhear any conversation between the Hon. Mr. Fox and myself?—Decidedly.

524. Do I understand that you did not overhear any conversation on the subject between anybody else?—I think there was some conversation, but I cannot charge my memory as to what it was, one way or the other.

525. Is there any conversation that you overheard upon the subject that now appeals to your memory?—No.

526. Yet you stated to Mr. Guthrie that you did overhear a conversation?—I did.

527. Did you state to Mr. Guthrie whom that conversation was between?—I do not recollect.

528. Are you prepared to swear that you did not state to Mr. Guthrie that the conversation was between the Hon. Mr. Fox and Mr. Vogel?—I am not.

529. Then if Mr. Guthrie says that you told him the conversation was between the Hon. Mr. Fox and Mr. Vogel, are you prepared to deny it?—I am not.

530. What could have induced you to make such a statement to Mr. Guthrie?—I cannot say, I am sure. I do not remember. I cannot charge my memory at this time with the reason.

531. You admit that you told Mr. Guthrie what was not true. What object had you in deceiving him?—I had no object at all in deceiving him.

532. Was there any ground whatever for your statement?—There was no ground whatever.

533. This matter must have been in your mind since?—I have never thought about it.

534. Did you never regret having deceived Mr. Guthrie?—I never took any more notice of it. The conversation passed out of my mind altogether.

535. Did you not remember it yesterday?—No.

536. When did it recur to you?—Last night.

537. Who recalled it to your mind?—No one.

538. I wish you to understand the extraordinary statement you are making. Yesterday, you stated you had no recollection whatever of making such a statement. You now tell us you were wrong in saying so. You say you did not refer to a conversation between Ministers. I pushed you and asked if you were prepared to state positively that you did not state to Mr. Guthrie that the conversation was between Ministers, and you say you are not prepared. Now you say that you cannot account for having forgotten it yesterday. [*No answer.*]

539. *Mr. Steward.*] You state, Mr. Hart, that you did have a conversation with Mr. Guthrie?—I did.

540. In the course of that conversation you gave Mr. Guthrie to understand that there had been a previous conversation between some parties in Wellington with regard to this case?—Yes, I did.

541. You also gave him to understand as a necessary consequence that that conversation had been overheard?—Yes.

542. You further gave him to understand that you were the person that overheard that conversation?—I am not sure about that.

543. You did not directly state that you were the person that overheard it?—I do not think so.

544. Notwithstanding, I think in your previous statement you said that what you did say would deceive Mr. Guthrie, and cause him to believe you had overheard it?—Yes.

545. Therefore, you did give him to understand that you had overheard it?—Yes.

546. You have already stated, as far as I understand, that to the best of your belief you did not say that the conversation was between persons in Wellington or between Ministers?—Yes.

547. Did what you say give Mr. Guthrie to understand that the conversation was between Mr. M'Kenzie and Ministers?—I cannot say.

548. What you did state was in such a form as to lead Mr. Guthrie to believe that you were the person who overheard the conversation?—Yes.

549. You say that you did not make a direct statement that you overheard the conversation, and you also say that to the best of your belief you did make such a statement as to lead Mr. Guthrie properly to infer that you overheard it; then, again, you say that you did not directly state that this conversation, to which you refer, was between Mr. M'Kenzie and Ministers. Now, what I want to know is, whether the information you gave Mr. Guthrie would lead him to infer that such conversation was between Ministers and Mr. M'Kenzie?—I am unable to answer that question.

550. *Mr. Webster.*] I would like the witness to try and charge his memory as to the nature of the conversation, and repeat it in his own words. Could you charge your memory with that conversation, and simply state what it was?—I cannot.

551. *Mr. Barton, through the Chairman.*] Have you made any statement on the subject to Mr. Stevens, the reputed editor of the *Press*?—Not that I recollect, but I believe Mr. Stevens obtained information from Mr. Guthrie. I believe Mr. Guthrie communicated with Mr. Stevens.

The witness then withdrew.

George Burnett Barton in attendance, and examined on oath.

Mr. Barton.

552. The evidence I wish to give is with reference to the reasons specified yesterday, which induce me still to maintain the theory with reference to the Bluff telegrams stated in the articles alluded to. 18th Oct., 1871.

Mr. Barton. Mr. Vogel cross-examined me on that point, and I stated some of the reasons that induced me to hold the opinions still. I wish now to tell others which I think will deserve the attention of the Committee. They refer to the contradictions which appear throughout the evidence given by the Government and witnesses for the prosecution. The first contradiction is this—Mr. Vogel's first speech in Dunedin was contradicted by his second speech, insofar as it related to the explanation he gave with reference to the Bluff Telegram of the 30th September. The first speech made by Mr. Vogel stated that the purser of the "Gothenburg" supplied the *Independent* with the information in dispute—the late telegraphic news. The second speech made by Mr. Vogel stated that the *Star* had sent up telegrams containing that late information. The explanation given in Mr. Vogel's first speech was contradicted by the explanation given in the *Star* of the 9th December. In the third place, the *Star* was practically contradicted by its editor, who told me, after he had published that article, he knew nothing at all about the matter. In the fourth place, Mr. Clayton, a witness called by the Crown in the prosecution to prove he had sent the *Star* telegram, contradicted the statement made by Mr. Vogel himself. Mr. Vogel said in his second speech that a copy of the *Daily Times* extra had been sent up to Wellington. Mr. Clayton said that he sent a copy of the *Evening Star* extra. In the fifth place, Mr. O Toole, another witness for the Crown, was contradicted by Captain Pearce, of the "Gothenburg," Mr. O'Toole having stated that he got the information in question from the captain of the "Gothenburg," and the captain himself having stated subsequently that he never gave that information to Mr. O'Toole. He stated so in a letter to Mr. Larnach, which was shown to me. In the sixth place, Mr. Hay, the editor of the *Wellington Independent*, has contradicted Mr. Mailer, the purser of the "Gothenburg," who had charge of the telegram. Mr. Hay having stated that he got the information from the purser, Mailer, and Mr. Mailer having denied on oath that he sent the *Independent* any information at all. He stated that on oath in Court. He said he simply gave the telegram at the Bluff office for the papers generally, and never intended to send it to the *Wellington Independent*. He denied that in the clearest manner he could. Again, the editor of the *Star*, Mr. Bell, never admitted in Court, or otherwise, so far as I am aware, that the telegrams published in the *Star* were obtained improperly from the *Daily Times*. On the contrary, he stated, in the month of October, immediately after the appearance of the article in the *Daily Times*, in which he was accused of having purloined those telegrams, that the *Star* never purloined them, but had the telegrams from its own agents. In addition to the other witnesses, I should wish to examine Mr. Gillon and Mr. Gifford. With reference to the *Lyttelton Times*, I wish to add in my evidence that the *Lyttelton Times* was at first excluded from the arrangements made by the Press Association, but was subsequently admitted under an arrangement made by the directors of the *Daily Times*. With reference to the evidence given by Mr. Hart, relating to the conversation referred to by myself, I wish to tell the authority on which that evidence was alluded to by myself. I understood that Mr. Hart, being a reporter on the *Press* in Christchurch, had made a statement either to Mr. Stevens, the reputed editor of that paper, or to some person on the staff of that paper, to the effect that he had overheard a conversation in which Mr. Vogel and the Hon. Mr. Fox were represented as chuckling over the manner in which they had done the *Post*. That information had been sent down by Mr. Stevens, the editor of the *Press*, to the present editor of the *Daily Times*, Mr. Murison. Mr. Murison, I believe, conveyed the information to Mr. Macassey, who acted as my counsel, who communicated it to me.

553. *Mr. Vogel.*] When did Mr. Macassey make that statement to you?—First to me in a letter he sent to me about two or three months ago. I forget the exact date.

554. How did you know that Mr. Murison made that statement to Mr. Macassey?—Because Mr. Macassey told me.

555. In that letter?—No.

556. When?—When I was passing through Dunedin on my way to Wellington to attend this Committee.

557. How do you know that Mr. Murison obtained the information from Mr. Stevens?—Because Mr. Macassey told me so.

558. Mr. Macassey told you that Mr. Murison told him that Mr. Stevens had communicated the information about Mr. Hart?—So I understood. I may add that copies of the letters, containing statements made by Mr. Hart and by Captain Pearce, contradicting O'Toole, were sent up to the *Evening Post*, and were published or alluded to in the *Post* at the time.

559. Was it a private letter to you?—No. I wish to add, that if Mr. Hart denies that conversation, or denies that he overheard a conversation, I should leave it to the Committee whether it would not be desirable to examine Mr. Guthrie, to whom Mr. Hart says he made that statement or some statement of the kind. With reference to the statement made by me yesterday as to my first interview with Mr. Vogel in Wellington, I wish to add that I was not previously acquainted with Mr. Vogel.

560. *Mr. Webster.*] In your interviews with Mr. Vogel with reference to these telegrams at Wellington, were you speaking to Mr. Vogel as a newspaper proprietor or as a Minister?—As both. I may say that I wanted to see him as a Minister, but he apparently wished to see me as a proprietor of a newspaper.

561. When you spoke of entering into a commercial transaction with Mr. Vogel respecting the telegrams, did you conceive that you were then speaking to him as a Minister?—Both as a newspaper proprietor and as a Minister. I could not possibly separate the two. He was speaking to me as a newspaper proprietor, as proprietor of the *Cross*.

562. *Mr. Vogel.*] Are you prepared to deny that I told you I was speaking to you as a newspaper proprietor; and so much was that the case that I told you I preferred you talking upon official matters to Mr. Lemon, and I gave you my card to go and see Mr. Lemon with. Did I not tell you distinctly that I could not mix up my two functions, and that I was speaking to you on business as a newspaper proprietor?—If you told me anything of that kind I did not hear it. I do not recollect that you said anything of the kind at all. I am very much surprised to hear that anything of the kind was said. My impression was that nothing whatever was said upon that subject.

563. *Mr. Webster.*] When Mr. Vogel proposed to reciprocate with you by sending the Thames

elegrams in return for the English press telegrams, was that a purely business relation between you? —I considered he intended the *Southern Cross* to act as a sort of agent for the Thames telegrams.

564. Did he desire to convey to you that the Thames telegrams were an equivalent to you for the English mail telegrams?—I considered that in dealing with Mr. Vogel as Commissioner of Telegraphs and proprietor of the *Southern Cross*, I was dealing with a very advisable constituent—if I could get him to satisfactory terms. I was quite aware that as Commissioner of Telegraphs, Mr. Vogel could very greatly assist or obstruct the working of the Press Association, and had Mr. Vogel offered reasonable terms, I should have felt it my duty to the Association apart from every other reason to take in the *Southern Cross* as a member of the Association; but Mr. Vogel having strictly insisted on offering nothing in monetary payment for the telegrams, I could not, in justice to the Association, think of accepting his offer.

565. Did he contemplate that the reciprocation of the Thames telegrams—down to the South—would be an equivalent for the English press telegrams. Was that his idea?—I understood that the telegrams from the Thames were to be communicated from the *Southern Cross* as a sort of equivalent.

566. That, that was the consideration he proposed to give you for the press telegrams?—Yes. I did not suppose that Mr. Vogel was making any improper proposal as to the Thames telegrams. I never accused him of proposing to enter into any improper arrangement, and never imputed to Mr. Vogel a wish to enter into any improper arrangement. I do acquit Mr. Vogel of having made any improper proposal with reference to obtaining English telegrams without payment.

567. Do you acquit Mr. Vogel of any desire to enter into improper relations in any shape?—I do.

568. And that relationship he proposed to you was purely as a newspaper proprietor upon ordinary business terms?—The proposal he made to me was as an ordinary business man; as a proprietor of a newspaper.

569. *Mr. Rolleston.*] Did he in any way mix up his position as a Minister with that of a newspaper proprietor, transacting business in relation to the telegrams?—No. I had no idea that Mr. Vogel was making any proposal of any improper kind as a Minister; at the same time I considered that he, being Commissioner of Telegraphs, as well as proprietor of the *Southern Cross*, was decidedly in a position to assist the objects of the Association. I may also be allowed to state that I had no political motives in starting the Association. I was anxious to obtain the co-operation of the *Southern Cross*, of which Mr. Vogel was the proprietor, and would gladly have done so if possible.

570. *Mr. Webster.*] Have you any reason for imagining that the news was sent on to the *Hawke's Bay Herald* beyond the fact of its appearing in the paper that morning. Have you evidence or was that your inference?—I am not aware of any.

571. You simply drew your inference from the fact that it appeared?—Yes.

572. You drew your inference with reference to the *Independent* and the *Post* from the telegrams having appeared in those papers?—I think I obtained information by telegram that they had obtained the telegram. Nothing besides the statement and the fact of the telegrams appearing.

573. You have assumed that the telegrams to the *Independent* and *Post* and *Hawke's Bay Herald* were sent on, and that the *Independent* received its news from the same sources as the others; now if it is shown that the basis from which you drew that inference was wrong, that inference will be wrong?—If the basis on which my inferences were founded were removed, I should of course admit that the inferences were not correct, were not substantiated.

574. In saying that the Minister or head of the department gave instructions for detaining the telegrams, had you any actual evidence of that or is that merely an inference. I allude to your statement that the *Evening Post* telegram was detained?—What I should say is this, that the inferences I drew were drawn from the usual practice of the Telegraph Department, and my knowledge of facts as the editor of a paper. I think you will admit that the editor of a paper, and one who has had some experience, is in a special position for judging and forming opinions that is not open to other people.

575. Had you any actual evidence or was it simply general knowledge that led you to make that inference that the telegram to the *Evening Post* was detained, and that to the *Hawke's Bay Herald* sent on?—I obtained knowledge directly and indirectly—general knowledge. I had no actual evidence of the facts, but I believed them.

576. In case it were proved that separate means of obtaining information existed would you regret the imputations you had made?—Certainly—if I have ever wronged the Government, or an individual, I shall very much regret having done so. If the Government had in the first instance satisfied me when I was editor of the *Otago Daily Times* that these accusations were unfounded, I should unhesitatingly and with considerable pleasure have published that information and withdrawn the imputations.

577. Supposing the Government did not know the source from which the papers obtained that information?—I do not understand how that could be. Take the case as to the explanation of the *Star* having sent the telegram, the Government must have known it at once.

578. *Mr. Vogel.*] Supposing the information had not been given—supposing permission had not been given to use the telegrams, or refer to them?—[*Not answered.*]

579. *Mr. Webster.*] One of the gravest imputations against the Government in the matter was, as to Mr. Vogel and the Hon. Mr. Fox having colleagueed together, and having “chuckled” over having done the *Post*. If Mr. Hart were to declare that the conversation he reported as having taken place had not taken place, would that cause you to alter your views?—If he said he had spoken falsely I would attach no weight to the imputation at all: provided Mr. Hart's statement could be properly tested, as it would be in a Court of law, where, if a person made a statement he would be examined as to whether it was true or not.

580. Would that relieve your mind?—I should attach no weight to it, as I would think his evidence was simply worthless. His statement to Mr. Guthrie was not under pressure, but when before the Committee he might be under pressure.

581. *Mr. Vogel.*] What do you mean by pressure?—Pressure means pressure; that is all I can say.

Mr. Barton.

18th Oct., 1871.

Mr. Barton. 582. You make an insinuation that some influence was exercised. I wish to know what you mean? —I simply mean, that a witness examined before a Committee, consisting of members of the House of Representatives, would think that the evidence he gave might be a serious matter to him. It might be prejudicial to him if he told the truth.

583. *Mr. Webster.* In case it should be proved that the statement made by Mr. Hart, that a conversation had occurred between Ministers of the nature referred to was utterly worthless, and that no such conversation could have occurred at all, would that disabuse your mind of the impression that Ministers had colloquied in the manner stated?—I should certainly withdraw that.

The witness then withdrew.

FRIDAY, 20TH OCTOBER, 1871.

Present :—

The Hon. Mr. Stafford, in the Chair.

Mr. Farnall,
Captain M'Pherson,
Mr. Pearce,

Mr. Rolleston,
Hon. Mr. Vogel,
Mr. Webster.

Mr. John Tice Martin in attendance, and examined on oath.

Mr. Martin.
20th Oct., 1871.

584. *The Chairman.* You were a passenger by the "Gothenburg" in September, 1870, from Melbourne to the Bluff?—Yes.

585. Do you recollect anything of hearing a telegram read on board?—I did hear a telegram read.

586. Whose custody was it in, as far as you are aware?—It was placed in Captain Pearce's charge, to the best of my recollection.

587. When did you first see it?—It was brought out at the dinner table by Captain Pearce immediately after dinner, the day before we got to the Bluff. I may tell you there were no others present except Captain Pearce and Mr. Larnach. The others had left the table.

588. In the cuddy?—Yes, in the cuddy.

589. You are quite sure it was at the dinner table?—Yes, I am quite sure.

590. Did you ever mention anything of what you read in that telegram to any person on board?—No, I did not. After we—Captain Pearce, Mr. Larnach, and myself—read the contents, it was closed up, sealed up, and I believe, as far as we three were concerned, the subject was quite sacred, and was not revealed by any of us; at all events, not by myself, nor did I hear it mentioned by anyone else.

591. Was there any understanding, engagement, or promise that you were not to mention the contents?—There was a mutual understanding between us not to mention the contents, but to keep them sacred.

592. Before it was opened?—I am not quite clear about that.

593. You are not quite certain whether the understanding was before or afterwards?—Either before or immediately after.

594. Are you certain it was not read by you or before you in Captain Pearce's cabin?—I am quite positive of that. That was the only occasion on which I saw this telegram.

595. Was it read aloud?—Not exactly. Just read over at the dinner table among our three selves. We each read it separately—read it ourselves.

596. Is it possible that any steward or other person might have overheard the contents?—No, I think not. I should say decidedly not. I read it just as I should a newspaper, and the other two did the same.

597. It was not read aloud so that any other person could hear?—No. There was no possibility of any other person hearing it.

598. When did you first consider yourself entitled to speak of the contents of it?—I never spoke of the contents at all on any occasion.

599. Not on shore?—No. Immediately I landed at the Bluff, I went to an hotel. I had my wife with me, and we had apartments upstairs at Schmidt's hotel, immediately opposite the wharf. We went to our rooms at once, and I came down that evening for five or ten minutes, but did not see anyone of particular importance, and no one asked any question respecting it whatever. I saw Mr. Nicholl. He simply asked what sort of passage we had.

600. Did you hear any person on shore speak of the same subjects as those contained in the telegram?—No, not at all.

601. *Mr. Webster.* Was the English mail news not a common subject of conversation on board the steamer?—The first and second editions were.

602. Is it within your knowledge that the extra items of news in the telegram you read were mentioned at all. I mean in conversation?—Certainly not. Not to my knowledge.

603. Did you convey any of that information to anyone at the Bluff or Invercargill after arrival?—No, I did not.

604. You purposely abstained?—Yes. I considered that the matter was sacred. I did not refer to it at all in any possible way. I looked upon the news next morning, after 10 o'clock, when the telegraph was open, as public property. I felt I could speak of it immediately the telegrams had been sent. I am not aware that I spoke about it at all.

605. Did you meet Mr. Fordham at all?—Yes. The only person I met that might be possibly interested was Mr. Nicholl.

606. *Mr. Pearce.* Who was it that opened the telegram at the dinner table?—I believe Captain Pearce, on Mr. Larnach's authority.

607. *The Chairman.* Are you quite sure who opened it?—I think my recollection will serve me.

608. *Mr. Pearce.* Are you aware who handed it to Captain Pearce?—I am not aware whether

the steward handed it to Captain Pearce, or whether Captain Pearce brought it out of the cabin. The first time I saw it, it was in Captain Pearce's hands. Up to that time I did not know it was on board.

Mr. Martin.
20th Oct., 1871.

609. You believe it was the captain that opened it?—I believe it was the captain that opened it.

610. Mr. Lemon.] Do you recollect, Mr. Martin, what heads of that telegram were the subject of conversation on board the "Gothenburg"? [The Chairman objected to the question being put in that form, inasmuch as it presumed that what witness had previously stated was not true.]

611. Did you have any conversation with the purser during the voyage?—I had on several occasions.

612. Did you talk over any English news?—I may possibly have talked over the first portion of it. Certainly not that which the telegram referred to.

613. You are quite certain the purser did not tell you anything?—Quite. I scarcely remember speaking to the purser about the English news. I may possibly have done so at first. Certainly not at the latter part of the voyage.

614. You do not recollect ever having heard on board the steamer a rumour that France had been reported a republic?—No, I did not hear anything of that nature at all. I never heard the third edition spoken of or referred to by anyone while I was on board the steamer.

615. Are you certain about the third edition? Will you tell us what was in the third edition?—My memory does not serve me. It was just read casually, and sealed up again. I did not consider it of such great importance as to impress it on my mind in any way.

616. If I was to say that "France declared a republic" was in the second edition, you would not be prepared to say it was not in the second edition?—I don't think I could. To the best of my recollection that news you refer to was in the third.

617. Mr. Vogel.] You have had a great many things to think about since that time. This made a great impression on you?—I cannot say it did, because after it was published I forgot all about it.

618. You now have a very clear recollection of the circumstances?—I have a clear recollection of the telegram being opened.

619. Your recollection must be very good to recollect the substance of a conversation that took place so long ago. The matter was probably fixed in your mind by these proceedings, Regina v. Barton?—I don't think so.

620. Did you not hear of these proceedings?—I did.

621. That made you take an interest in the matter, and probably fixed it in your mind?—It might have had some effect that way.

622. I understood you to say that this telegram was read by Captain Pearce, Mr. Larnach, and you only?—Yes.

623. How long before you arrived at the Bluff?—The day preceding the arrival there.

624. Was it known on board that the telegram was on board?—Not by me.

625. How was it proposed to be opened?—I cannot say.

626. As a kind of dessert?—We were at dessert at the time.

627. Were the passengers talking about the English news?—They were, about that placed on board at Sandridge.

628. About the second edition of the *Argus*?—Of the first edition, I think, that was published. The news that was published by the *Argus* was talked over by the passengers very much.

629. You have a clear recollection, Mr. Martin, as to the different news. That is to say, that which was talked about on board and that which you saw in the telegram?—Yes.

630. Should you be very surprised to hear that someone on board, not being the captain, not being yourself, and not being Mr. Larnach, was aware that Napoleon was a prisoner in Berlin?—That was in the third telegram.

631. Should you be surprised that anyone on board besides these three knew that Napoleon was a prisoner in Berlin?—I did not hear anyone speak of it.

632. Would you be surprised to hear that anyone was aware of it?—I cannot say now.

633. Would you be surprised that somebody was aware that there was a revolution in Paris, and France was declared a republic?—Was that the tenor of the last telegram may I ask?

634. Should you be surprised that someone on board knew that Napoleon was a prisoner in Berlin. Would you be surprised to know now that somebody was aware of that fact besides the three?—I should be surprised if anyone was aware of the contents of the "third" telegram, excepting the three who read it.

635. I may tell you at once that beyond all doubt the purser was aware of this news—"Napoleon prisoner in Berlin," "there has been a revolution in Paris," and "France declared a republic," "French have been defeated everywhere, and Prussian Army marching to Paris." The purser was aware of that, because this is his writing [*document marked A produced*].—I know nothing of that.

636. Can you account for these items being in the possession of the purser?—No.

637. The first item was one which it was supposed was confined to the third edition, "France declared a Republic." Did you hear that spoken of on board before the telegram was opened?—No.

638. I am able to inform you that the purser knew of it?—I cannot say anything about that.

639. You cannot explain that?—No.

640. Do you think Captain Pearce had a very accurate knowledge of the news in the third edition, and the news in the first and second editions?—It might possibly make a deeper impression upon his mind than upon mine.

641. Supposing anyone had come to you on the arrival of the vessel and asked you for news, would you have been able to distinguish very readily from what you knew from having heard or read what was in the third edition of the *Argus* and that you heard at the cabin table?—I might know the principal parts of the third edition. I might pick them out.

642. Captain Pearce said he was not able to state that he had not spoken to Mr. O'Toole upon the subject of the English news, but he was sure that if he had done so he had only spoken about the

Mr. Martin. first and second editions, and not about the telegram read at the cabin table. Can you not conceive it would be very difficult to separate the information obtained?—He may have a better memory.
 20th Oct., 1871. 643. You would have found it difficult to do so?—Yes, I think I should have.
 644. *The Chairman.*] In point of fact you did not speak to anyone about the telegraphic news at all—first, second, or third edition?—No, not at all.
 645. I mean when you went on shore?—Not at all. Not in any possible way.
 646. *Mr. Webster.*] Not that evening?—No.
 647. *The Chairman.*] Did you get any copies of the extra from the purser on board?—I think not.
 Mr. Martin withdrew.

Mr. Barton.
 20th Oct., 1871.

Mr. George Burnett Barton in attendance d examined on oath.

648. *Mr. Vogel.*] You say in your article of 3rd October:—"We believe that we have legal evidence, however, to prove the astounding fact that the Government not only suppressed the news for several hours throughout the Colony, but that it appropriated to its own use the telegrams, to which it had no more right than it has to the pocket handkerchiefs or the watches of private individuals." I believe you are a barrister?—Yes.

649. You know the meaning of legal evidence?—Yes.
 650. Will you tell me what legal evidence you have. Is this the legal evidence you refer to?—The legal evidence produced in the Court in Dunedin, and partly the legal evidence now taken by the Committee: the evidence was partly documentary and partly oral.

651. What is the oral evidence?—That of the witnesses produced at the trial.
 652. Their names?—One was Mr. Gifford, who proved that the telegram addressed to the *Post* was detained in Wellington for several hours before it was sent out, although it was sent to the *Hawke's Bay Herald*. He proved that he was anxious to obtain the telegram, and made arrangements for doing so, but did not get it until seven o'clock next morning.

653. Will you be so good as to inform me, if on the 3rd October you were aware of this complaint made by the *Post*?—Yes, I was. The next witness, Mr. Gisborne, the Colonial Secretary, proved that the telegram addressed to the *Daily Times* had been sent to Wellington without the consent of the *Daily Times*.

654. Were you aware of that on the 3rd October?—I may or may not have been. I cannot recollect precisely at this moment whether I was or not.

655. I want you to charge your memory, and say when you first knew of it?—I think it came to my knowledge in this way. Mr. Stafford spoke at Timaru in April, 1870. It was a part of my business to arrange for the receipt of a telegram of that speech, and I accordingly instructed two of our reporters to proceed to Timaru and report the speech *verbatim*, and telegraph it immediately to the *Daily Times* alone. I sat up in the *Daily Times* office until three o'clock next morning, in the hope of receiving some slips of the telegram. Mr. Lubecki, the Manager of the Dunedin Telegraph Office, came to me and told me that some of the Christchurch papers wanted to get a report of the speech. I told him I could not allow a paper to have it, because it was simply an enterprise on the part of the *Daily Times*, for which they had to pay, and they could not share the advantages of it with any other papers not paying.

656. Did you know of it at this date or not, and from whom did you get the information?—If you will allow me to go on I will explain how I first got it. I think I received information shortly after by this fact: the Christchurch papers, or some of them, wanted to send a summary of the news to the Wellington and to some other of the Northern papers, and they were told they could not send it because the wires were occupied by the Government. That is, I am inclined to think how it came to my knowledge before the 3rd October, that the wires had been occupied by the Government that night. I was not aware, I think, on the 3rd October, that Mr. Gisborne had actually been receiving a copy of our telegram on that occasion.

657. Did you not obtain the information from the *Press*?—I think I obtained the information that Mr. Gisborne had been receiving that telegram from the *Press*.

658. I wish you to tell me what legal evidence you refer to here?—I am giving it now.

659. On the 3rd October you were not aware of this Timaru matter, and you could not in the words "legal evidence" refer to Mr. Gisborne's proceedings upon that occasion. I want you to tell me what was the legal evidence you referred to on the 3rd October?—The legal evidence I referred to consisted in my knowledge of the manner in which telegrams had been transmitted and delayed by the department since I had managed the Press Association; that evidence being confirmed by the evidence of our agents who were engaged in the transmission of despatches and telegrams.

660. You say you had legal evidence "that the Government not only suppressed the news for several hours throughout the Colony, but that it appropriated to its own use the telegrams, to which it had no more right than it has to the pocket handkerchiefs or watches of private individuals?"—With respect to the first charge of detention of telegrams the legal evidence consists of evidence given by Mr. Gifford, and also the evidence of the *Hawke's Bay Herald* itself.

661. With reference to the appropriation of telegrams, what was the legal evidence?—It consists of general evidence of this kind. In the first place, with respect to the compilation and despatch of telegrams by Mr. Hugh George; that of the compiler, Mr. Francis Brown, the person who took the telegram to Queenscliff, Mr. Singleton, and also that of the purser and the captain who had received the telegram on board.

662. Generally, in fact, the evidence you have referred to in your evidence?—Yes.

663. Supposing that charge was entirely untrue. Do you not think it was the duty of the Government to prosecute the papers for making it?—No, I do not think so.

664. If you should find that all your so-called legal evidence was merely a tissue of deductions woven by yourself upon a false basis of facts, would you not very much regret having written those

articles?—In this way—so far as they contained false charges against the Government I should very much regret them.

665. You connected that prosecution at the police court and the disadvantages under which the Press Association laboured with your interviews with me at Wellington. I understood, that you described to the Committee at great length, the whole of the interviews with me at Wellington in connection with the subject of the great disadvantages to which the Press Association was subjected?—My interview with you had nothing whatever to do with the disadvantages under which the Press Association laboured.

666. Did you not attribute those disadvantages to the interviews you had with me?—No, simply the facts that took place at the interviews.

667. Why did you bring them in?—I considered it necessary to show the logical sequence of the whole transaction, and as a witness I was supposed to speak the whole truth.

668. Why did you bring these interviews into the matter?—Well, I brought them in because I thought it necessary. It was in order to show the relative position Mr. Vogel took with regard to the Press Association.

669. Did you instruct Mr. Macassey to the effect that the *Southern Cross* was excluded from the Association?—I may say that what takes place between Counsel is privileged.

670. Mr. Macassey made serious charges against an absent man—myself: I am bound to suppose that as he was acting for you it was at your desire?—Yes. He was acting at my desire.

671. Did he act on your instructions?—Yes, certainly he did.

672. Then you think that because the *Southern Cross* and *Wellington Independent* were excluded from the Press Association that was the reason, or partly the reason, of the complaints you had to make subsequently against the Telegraph Department?—Well, I told Mr. Macassey, of course, as Ministerial papers were excluded from the Association, that it was a reason that animated the Government in the opposition to the Press Association.

673. Mr. Macassey says “Mr. Vogel’s paper, the *Southern Cross*, was not admitted into the Press Association, the *Wellington Independent* was not admitted into the Association; and, therefore, in order that the Association might be crushed or defeated, it was found necessary to give precedence to Government messages, to enable Ministers to help the *Wellington Independent* and other newspapers, not members of the Association.” Is that your opinion now?—Well, I am inclined to think it is my opinion now that that was one reason why the Government acted as they did. I regard it simply in this way—that Ministers considered it an opposition movement, and tried to crush it.

674. That is, because the *Southern Cross* and *Independent* were excluded from the Press Association the Government acted in the manner of which you complained?—One reason.

675. Now, I will tell you a fact. What was the date of your visit to Wellington. Do you recollect?—The first week in June, 1870. [*Circular of 20th August handed to witness, who read it*]. This was immediately after the establishment of the Press Association, which began in the first week in August.

676. Your opinion is that this was done with the view of opposing the Press Association?—It was done with the view of enabling Ministers to obtain early information of news and make such use of it as they thought proper, and also of opposing the Press Association.

677. What was the date of the formation of the Press Association?—I should say it began in August, for the Government arrangement terminated on 31st July, and the Press Association was intended to succeed it.

678. You have led the Committee to suppose that I very anxiously sought an interview with you?—I simply stated the facts.

679. Did I anxiously seek an interview with you?—I was not anxious to seek an interview with you. It was not my intention to call upon you. I regarded you simply as a personal enemy, and it was never my habit to seek interviews with men who are my personal enemies. I certainly considered it strange that Mr. Vogel, knowing the position he occupied towards me, should have sought an interview with me. It was strange he should have done so with reference to the telegraph or anything else.

680. You are quite sure I sought you, and sought an interview with you?—You were on the wharf when I landed, and graciously held out your hand, which I took, and you asked me to see you at the Treasury next morning. Previous to that I was not acquainted with you, and I did not know your personal appearance.

681. Did you not know me in Dunedin?—I never met you. I may have passed you in the street. I could not have pointed you out if I had been asked to do so.

682. I asked you to see me at the Treasury?—Yes, in the Treasury, at your office. I think your words were at the Treasury?

683. When you came to me did I tell you what I wanted you for?—You certainly began to talk about the telegraphic business, and you inquired into my proposed arrangements in establishing the Association. I explained them to you, and then you talked about the *Southern Cross*.

684. How did I know what your business was?—I think you knew very well for this reason. Before I left Dunedin I received a letter from Mr. Reeves, of the *Lyttelton Times*, one of the proprietors—a Ministerial journal. He told me in the letter that he had heard from you about the intention of the Government to cease the supply of English telegrams to the papers, and he said—Mr. Vogel adds, that he hopes that in any arrangement that may be made with the newspapers the *Southern Cross* may be included.

685. I ask you how I knew that you came upon this telegraphic business?—It is very clear that if you told Mr. Reeves two months before that you hoped the *Southern Cross* would be included in any arrangements we proposed to make, an inference was that you were aware of the object of my arrival; if you had not heard of it from other sources.

686. Because I wrote to say I would be happy to join a private association, therefore I must have been aware of the object of your mission two months afterwards. Will you swear positively that you

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were not at the Treasury several times trying to see me?—I swear that most distinctly and positively. I attended solely upon your express invitation.

687. Did you mean to see anyone connected with the Telegraph Department. You say one of the great objects of your visit here was to try to make arrangements with the Telegraph Department about this Press Association. Did you mean to see anyone connected with the Telegraph Department?—I meant to see Mr. Lemon; and if it had not been for your approach to me I do not think I should have called on you at the Treasury, for the reason that I considered our relations too unfriendly to admit of having any conversation with you at all.

688. Will you swear that you did not most earnestly ask me to allow the *Southern Cross* to join this Association?—I do not know what you mean by asking most earnestly; I daresay I endeavoured to persuade the *Southern Cross* to join the Association. I spoke about the advantages of the Association, and hoped that the *Southern Cross* would join it. It was my object to get the leading papers to join the Association.

689. Did you not think, Mr. Barton, that in leading the Committee to suppose that the *Southern Cross* had been excluded, and that you said you declined to allow it to join until you had gone to Auckland, that you led the Committee to form a false impression. You did ask me to join this Association?—I do not recollect that I asked you in any way. I simply represented the advantages of the Association, and it was part of my object that the *Southern Cross* should join.

690. Were you anxious that the *Southern Cross* should join?—I cannot say that I suffered any anxiety about it at all. I simply wished that the *Southern Cross* should join.

691. [Extract from Mr. Barton's evidence on 17th October read:—“Mr. Vogel asked me whether I could not make arrangements with him at once for the admission of the *Southern Cross* into this arrangement. I told him I considered it more advisable that I should visit Auckland first and see the newspapers there upon the subject; my intention being to ascertain whether the other paper in Auckland, the *New Zealand Herald*, might not be prepared to offer some terms for admission into the Association.”] How can you account for saying you wished me to join? You say here you could not take me in until you had seen the other paper (the *Herald*). Which is true? Did you ask me to join, or did you tell me that the *Southern Cross* could not join until you had visited Auckland?—You seem to confuse it unnecessarily. It was not my intention to take any paper in any town, Auckland or elsewhere, into the Association until I had seen the rival paper. It was simply a question of terms. Whichever offered the best terms should join the Association.

692. You stated just now that you were anxious that the *Southern Cross* should join. Do you recall that?—I was anxious that the *Southern Cross* should join, provided that proper terms were offered. I said I laid the advantages of the Association before you, and expressed a hope that the *Southern Cross* would join.

693. Do you recollect pointing out to me the advantages of joining the Association—advantages I should enjoy over every paper published in Auckland?—I recollect pointing out that as an advantage.

694. Do you recollect that I said I was in the habit of working with the other paper—the *Herald*—and I would not allow the *Southern Cross* to join, unless an arrangement was made with that paper?—No. If you had told me that, I would not have gone to Auckland. I do not recollect your telling me you were working with the *Herald*.

695. You do not recollect me telling you I would not join unless an arrangement was made with the *Herald* to join also?—I do not recollect that. Certainly not.

696. Do you recollect me pointing out to you that Auckland, not being connected by telegraph, the value of telegrams would be very little. They would be of very little use to the paper until the completion of the telegraph line?—You may have said that, but I do not recollect.

697. Do you recollect stating that you were only anxious that the *Southern Cross* should join after the lines had been completed?—I never said anything of the kind. I may have said if you did not like to join then, you might join when the lines were completed. I wanted to get one of the Auckland papers in at once.

698. Do you recollect me telling you, Mr. Barton, that the English mail telegrams should be dealt with entirely distinct from local telegrams?—No, I don't recollect that either.

699. Do you recollect that I told you I might be prepared, in connection with the *Herald*, to entertain the idea of making arrangements for English press telegrams?—I do not recollect that. All that I recollect is that you were anxious to make arrangements irrespective of the *Herald*. That is what I gathered from your conversation. I told you no, I must go to Auckland first.

700. Then I desired to make arrangements with you at once, irrespective of the *Herald*.—Certainly.

701. Do you recollect coming back from Auckland?—Yes.

702. You stated that Mr. E. Fox called upon you at the Club to ask you to call and see me. Are you prepared to swear that what Mr. E. Fox said to you was not, that as you were not able to see Mr. Vogel before, he was disengaged, and would see you if you wished to call?—All Mr. Fox said was “Mr. Vogel wishes to see you at the Treasury.”

703. You came up to see me?—Next day.

704. After your return from Auckland or not?—After I returned from Auckland.

705. You say that after your return from Auckland you would not have seen me unless I had sent for you?—I considered that I had made arrangements with the *Herald* to the exclusion of the *Cross*, because you stated you would not pay me anything.

706. Did you not tell me that Mr. Wilson would have signed the agreement if you would have allowed him, but you considered it would have been bad faith with me to have done so?—I do not recollect saying anything of the kind.

707. Will you swear you did not?—I will swear I do not recollect anything of the kind.

708. Will you swear that Mr. Wilson was anxious to sign the agreement, but you would not let him until you had communicated with me?—I may have said something of the sort. That I would not conclude the agreement absolutely with Mr. Wilson until I gave you an opportunity of making one with me.

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709. Was it true then?—I say I may have said so. I cannot say whether it was true or not.

710. Did you tell Mr. Wilson that you could not sign the agreement until you saw me again?—There was no talk about signing an agreement. I had not a copy of it with me.

711. When you saw me after your return from Auckland did you ask me to join the Association?—No, I do not think I did. I may have done so.

712. Did you not tell me that Mr. Wilson would join it if I did?—No, because I considered that Mr. Wilson had made an arrangement irrespective of you. I think he wanted to cut you out.

713. Did you tell me that you had refused to allow Mr. Wilson to make an arrangement without first seeing me again?—I do not think so. My impression is that I did not tell you that.

714. Do you recollect me taking out a letter, and saying to you your account of what has passed differs very much from information I have received from Auckland?—I recollect your pulling out a letter, and saying something from it.

715. Did I not read out a part of that letter, which was either from my manager or book-keeper. Did not that letter contain a message from Mr. Wilson?—I do not recollect what it contained.

716. I will tell you, and ask you if you recollect. I said I am surprised at what you tell me, because Mr. Wilson has sent a message not to have anything to do with an arrangement with you?—I do not recollect that at all. I will tell you what you did say. To my recollection it was this. I told you that I had made an arrangement with Mr. Wilson. He was to pay so much a year to the Association. Then you said "I should doubt that, because I have a letter here on the subject from one of my people—my manager." You pulled the letter out of your pocket and read it. However, you said "I should not be surprised if it was so, because Wilson has deceived me before, and he may be doing so now." Then I said, "All I know is, I consider he has made an arrangement with me to the exclusion of the *Cross*."

717. Then you did not on that occasion persuade me to join?—If you had made better terms I might have made an arrangement with you instead of the *Herald*, supposing I had not bound myself to the *Herald*. I considered your refusal was so distinct and positive that I never hoped for any arrangement with the *Cross*.

718. Did you not, with the view of coercing me into joining the Association, show me a letter; and did you not say that the gentleman who was agent for the *Southern Cross* at Hawke's Bay should not continue to get news for the *Southern Cross*, unless that paper joined the Association?—I told you I would not allow that gentleman to act for the *Southern Cross*, or any paper outside the Association. I would not allow our agent to be your agent.

719. What object had you in showing me that letter, and telling me you would not allow your agent to act as agent for the *Southern Cross*, unless it was with a view of inducing me to join?—I wanted to show you the progress of the Association—the progress I had made.

720. You told me that that gentleman could not act for the *Southern Cross*?—I told you I would not allow him to act as your agent.

721. Who did you see in Auckland?—I saw a variety of people.

722. Connected with the *Herald*?—I saw Mr. Wilson.

723. Did you see anybody connected with the *Southern Cross*?—Mr. Williamson, the manager, and Mr. Morrison.

724. What passed between you and them?—A good deal passed. I explained my arrangements to Messrs. Williamson, Montrose, and Morrison, and I think Mr. Morrison at last expressed a wish that the *Southern Cross* should join. He thought the arrangement would be to the advantage of the *Cross*. I think Mr. Williamson also spoke to the same effect. I gathered from them that, as far as they were concerned, the *Cross* would join the Association at once if it was not for the matter of the expense.

725. Did Mr. Wilson show himself anxious to join the Association?—He seemed to regard it as a matter of expense, as the *Cross* did.

726. Was there anything said about the two papers joining together?—I ascertained in Auckland that the papers shared everything between them—they worked together, in fact.

727. Was there anything said to you about joining together and taking these telegrams?—I do not recollect that anything was said upon that subject. They simply said they worked together.

728. Was anything said about joining together to take telegrams from you?—No, I do not think so. I forget now whether there was anything said or not. There may have been.

729. Is it within your recollection that I told you I was communicating with you upon this subject as the private proprietor of a paper, and could not enter into the question of the Telegraph Department with you?—No, I do not recollect that you said anything of the kind.

730. Do you recollect that I gave you a card to Mr. Lemon?—Yes.

731. Do you recollect that I told you I would prefer that you should discuss any matters connected with the Telegraph with Mr. Lemon?—You only gave me the card as a sort of gracious introduction to Mr. Lemon; that was all.

732. Do you recollect telling me that all the *Daily Times* required was to obtain the telegrams for nothing?—I do not recollect saying that. I recollect saying they must be satisfied if they got all the telegrams for nothing.

733. Did I not tell you that it was very unreasonable for the *Daily Times* to take up such a position; that other papers should pay for their telegrams?—I do not recollect that you said anything about its being unreasonable. I think you rather approved of the idea.

734. What price did you ask the *Herald*. Do you recollect?—I think I asked them £50. I think I suggested the same terms to you. I thought they could afford that, as much as such papers as the *Timaru Herald*.

735. Why such a small sum. You were getting a much larger sum from the Lyttelton paper?—Because I knew the Auckland papers were not in a flourishing condition.

736. Did Mr. Reeves make great complaints against you?—He made complaints to the Directors.

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737. Did he go to Dunedin. Did not the directors consider him in the right?—One of the directors told me that he thought Mr. Reeves acted very badly.

738. Did they refuse to ratify the exclusive arrangements with the *Press*?—No. They thought the *Lyttelton Times* should be allowed to join the Association. Each paper, the *Press* and the *Times*, paying £100 a year.

739. Did you not make exclusive arrangements with the *Press*, and did the directors refuse to ratify them?—They said the *Lyttelton Times* should be allowed to join in consideration of its having formerly acted with the *Daily Times* for many years.

740. Did I not tell you that the exclusion of some papers prevented the hope of obtaining exclusive advantages through the telegraph; that the principle of taking in some papers and excluding others would be fatal to obtaining any advantages through the Telegraph Department?—Not at all. I considered that you were anxious that the *Southern Cross* should join, to the exclusion of any other paper.

741. Do you recollect me telling you that the department would not be able to offer unusual facilities to the press until all the press were allowed to join together in obtaining English news?—Certainly not. I do not recollect anything of the kind.

742. [Extract from letter dated 26th May, 1870, from Mr. Lemon to the proprietor of the "*Times*," Dunedin, read:—"I am directed to inform you that the Hon. the Telegraph Commissioner, in order to afford greater facilities to the press, will as far as possible remove the restriction, limiting the transmission to 200 words at a time."] Will you be surprised to learn that the fact of your entering into arrangements absolutely offensive to some papers, inasmuch as you would not allow them to obtain your news, and said that news should not be furnished to them by your agent, prevented any facilities being afforded to you by the Telegraph Department?—I did not consider that unfair at all.

743. It would have been unfair to give to your paper a preferential claim through the Telegraph Department to the injury of other papers?—I made no preferential claim at all.

744. Would you be surprised to learn that the Telegraph Department could not give the right to use the wires to some papers to the exclusion of others?—[Not answered].

745. I understand that you were really under the impression that the Government gave instructions to the Telegraph Department to obstruct the Press Association?—I thought the Government were influencing the Telegraph Department.

746. That is your opinion?—Influencing it in a manner that might be injurious.

747. Do you suppose through the Manager, Mr. Lemon, or through the clerks?—I cannot say how they did it, but I think they did influence it.

748. I would like to know how you set up your theories?—I merely thought they were using improper influence with the department.

749. You stated that my explanation at Dunedin, and the theory set up of the *Star* sending the telegram to the *Independent* could not be true because you did not believe the *Star* had purloined the telegrams from the *Daily Times*?—That was one of my reasons. I said I thought it an improbable explanation, because you did not prove that the *Star* had purloined the telegram from the *Daily Times*.

750. Are you not aware of the fact that the *Star* did bring out in its edition almost an exact copy of the *Daily Times* telegram?—I recollect it did produce an exact copy of our telegram, and I also recollect that I charged the *Star* with having done so next morning, and they denied it, and said the telegram was original, and from their own agents.

751. It had a telegram precisely like yours?—I think it was a copy of our telegram.

752. What becomes of all you have said about no other paper having telegrams if you refuse to believe that the *Star* copied from you?—That becomes a question of time. The news was telegraphed on Friday, and the *Star*, I think, published the news on Saturday at five o'clock or six o'clock in the evening. It may have been published the same day.

753. How did you account for the *Star* having it when you raised such a deduction on account of the *Independent* having it?—I was given to understand that the news was published in Wellington at the same time as we had it.

754. What do you mean by telling the Committee that my explanation could not be true because it would be impossible that the *Star* could have done such a thing as to copy from the *Daily Times*?—My assertion that your explanation could not have been true was founded on many other facts. I considered that the *Star* had not been the means by which the telegram had been sent up to Wellington. I did not consider they would have sent it up to Wellington.

755. I said distinctly they had done so. What grounds had you for contradicting me?—Many grounds for doing so. In the first place, I thought it extremely improbable, knowing, as I did, the telegraph arrangements existing outside the Association. The *Wellington Independent* had its own agent in Melbourne for the transmission of news, and I thought the *Independent* would not telegraph to the *Star* to get news, because they had an arrangement for getting their own news, and telegraphing by the *Star* to the *Independent* would cost a heavy sum. The *Independent* could not know positively that the *Star* could be in a position to furnish any information other than that the *Independent* had received from its own agent. I thought that if the *Independent* had received the telegrams from the *Star* it would have adopted the usual practice among journals of acknowledging the telegrams as taken from the *Star* or *Daily Times*, or when the discussion arose would have acknowledged at once that the disputed telegram came from the *Star*.

756. Did the *Evening Star* not acknowledge it afterwards?—Not distinctly so. It came out a few days after you had made your speech, on the 9th December.

757. Did I state that the explanation must come from the *Star*, and until the *Star* had explained, the Government were precluded from making explanations?—You gave that as a reason in your second speech.

758. What do you mean by coming up and telling the Committee you could not understand how it was that the Government had not made the explanations before when it was a matter of departmental

etiquette not to do so. In a letter, I think of 6th December, Mr. M'Kenzie would not give permission to us to say how he received his telegram. Subsequently the *Star* gave that permission, and then I referred to it. I am under the impression that I saw Mr. Bell himself, and he told me that Mr. M'Kenzie was willing that it should be stated how he got the telegram if the *Star* consented. He said he was not aware that the *Star* had sent it, and he would make enquiries, as some person in the office was in the habit of telegraphing in the name of the *Star*. Subsequently the *Star* came out with a paragraph stating that the telegram had been sent from the *Star* office; then I was at liberty to explain. I made this explanation in my second speech. In the first speech I gave an unqualified denial to your theories, and in the same speech I said, "I want you to understand and recognise the force of the fact that the explanations to be given in meeting in detail charges of such a kind are explanations which would be a violation of the secrecy of the Telegraph Office to give unless those explanations were brought out in a Court of Law. I could not now give so full an explanation as I am about to give were it not for the fact that the editor of the *Star* very generously came to the rescue the other day and stated in the columns of that paper that which otherwise I should not have been at liberty to tell you, because it would have been a violation of the law regarding the Telegraph Department." Was that what I stated?—You said so.

759. Do not you think you were very rash in coming to the conclusion that there was nothing in it?—I considered it too suspicious; it did not satisfy me.

760. I went on to explain, and said—"It is true that Mr. George, of the *Argus*, states that the third edition, containing the late news, was not out when the "Gothenburg" left. The probability, however, is that the news contained in the third edition was in the *Argus* office before the "Gothenburg" left. At all events, it is sufficient to say that the purser gave in at the Bluff the late news for the *Independent* that appeared in that day's extra, and that the purser says he obtained his information from the *Argus* office." Did you believe that I had stated a deliberate falsehood?—I did not wish to accuse you of deliberate falsehood.

761. Did you believe it was not correct, and that I had stated a falsehood?—I considered it was not altogether correct for several reasons.

762. I said the purser had given in a telegram that was sent for the *Independent* specifically. Did you not think it very rash to disbelieve that?—No, because I did not consider it was satisfactory. He denied that he gave it to be sent to the *Independent*.

763. You had not heard his statement when you next day denied the truth of the statement I had made?—I did not recollect what statement he had made at all.

764. Whether he had obtained the information in that way, or from Captain Pearce, of the "Gothenburg," who read the telegram on board, he sent the telegram from the Bluff to the *Independent*?—Well, the purser denied that in the Resident Magistrate's Court.

765. If you are informed that the *Star* admits having copied from the *Daily Times*, and that it was the *Star* telegram that was sent in, and you might have satisfied yourself of that by comparing them, do you not see you have given a great deal of expense and trouble upon purely baseless charges?—I did not consider I was making baseless charges. I am not responsible for the expense, excepting my own.

766. Did you not, after this explanation was published, reiterate the charges?—After you made your speech, I alluded to it in a leading article in the *Times*, and said the explanation was attended by too many suspicious circumstances to induce me to retract.

767. Did you not after the second speech, in an offensive manner, deny the truth of the explanation?—I believe I wrote an article saying the explanation was not satisfactory, and I could not accept it as satisfactory.

768. Did you not totally deny the explanation?—I declined to accept the explanation. I considered that any person might paste a copy of the *Star* telegram upon a telegraphic slip.

TUESDAY, 24TH OCTOBER, 1871.

Present :—

The Hon. Mr. Stafford, in the Chair.

Mr. Farnall,
Mr. Johnston,
Captain M'Pherson
Mr. Pearce,

Mr Rolleston,
Hon. Mr. Vogel,
Mr. Webster.

George Burnett Barton in attendance, and examined on oath.

Mr. Barton.

769. *Mr. Vogel.*] From whom did you get the copy of the telegraph regulations?—I ask the Committee whether I am bound to mention the name. I understood from the Committee on a previous day that I was not bound to give the name of the officer [The Chairman ruled that the witness was bound to answer the question]. I confess I have very great objections to mentioning the name of the officer, but if the Committee tell me I am bound to give the name, I shall do so. It was Mr. Lubecki, the manager of the Telegraph Department at Dunedin. I wish to add, in justice to Mr. Lubecki, that when he lent me the copy of the regulations, he was simply endeavouring to give me information that was not to be used against the Government, or in any other improper manner. I simply asked him to oblige me, as editor of the *Otago Daily Times*, with the information, which I requested him to give.

770. You were not in the habit of talking with Mr. Lubecki about this question?—I was in the habit of talking with him about telegraph matters, as I might speak to the officer here.

771. Did he lend you this copy before or after the 3rd October?—Before the 3rd October. I remember that, because I wanted to write on the subject, but I did not tell Mr. Lubecki that I wished to write about it.

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772. I wish to ask you if the *Daily Times* paid the expenses of your prosecution?—No, they have not paid a shilling.

773. Are they going to do so?—I do not know whether they intend to do so or not, but I believe they will not, for this reason, that some two or three months ago I wrote a letter to the directors stating in effect that I held them responsible for the costs of my defence, and I received no answer to that letter.

774. You think you have a legal claim against them?—I believe I have a claim.

775. Why did you leave the *Daily Times* office. I wish to know whether it had anything to do with this telegraphic matter?—I believe it had everything to do with this telegraphic matter; for I believe if it had not been for that, they would not have acted towards me as they did—that is, left me entirely responsible for the prosecution, and at the same time deprive me of my office as editor.

776. Then they had a reason for dismissing you?—They dismissed me.

777. Without any reason?—No, they had nothing in the shape of a reason. I said at the time that it was on account of this prosecution. I also had an interview with the Secretary to the *Otago Daily Times* Company, and he requested me, at the suggestion of the company, to leave the Colony. The idea which he created in my mind being, that I should leave the Colony for the purpose of avoiding the prosecution. Of course I declined to do anything of the kind.

778. Who is the Secretary?—Mr. Bathgate.

779. In the course of the conversations you had with me long since, which you referred to the other day, did you not, in one of them, give me to understand that you were very much dissatisfied with the directors?—I do not think I gave you to understand that, though you may have had that impression.

780. Did not you give me to understand that they made you write as you did against the Government?—No, I don't think I said anything of that kind.

781. Did you not state to me that you thought that Murison was trying to do you out of the editor's office?—No. You told me that Murison was trying to do me out of my situation.

782. Did I say so positively?—You said so, but I do not know whether you said it positively.

783. Did you lead me to suppose that the directors constrained you in opposing the Government?—No, I did not say anything of the kind.

784. That you were favourable to the Government yourself?—No.

785. Did you not give me to understand that you would be wanting another situation shortly?—No, certainly not. I had no idea of that kind. I recollect your saying something about the probability of another situation being offered to me in Auckland. The conversation was in this way. You told me that Murison was to take my place. I said it was quite possible, or something to that effect. You said "The *Daily Times* is not the only paper in New Zealand." I said "No, there are others, certainly." You said "Possibly there may be something offered to you in Auckland."

786. When did you know that Mr. Larnach opened the telegram on board the steamer?—I don't think I knew about that until the meeting of directors after the 3rd October, when something was said about it.

787. Did you know it before you wrote the article of the 3rd October?—After the 3rd October.

788. Before the 6th October?—I dare say it was on Wednesday, the 5th October, when the directors met, that I first knew something about it.

789. Before the 6th October?—Yes, on the 5th October. The first article was on the 3rd October, and the second on the 5th.

790. You knew it before you wrote this article on the 7th October?—I cannot be positive as to when I knew it. My impression now is that Mr. Larnach and the other directors met on the 5th October. That is my impression.

791. Well, your case depended upon the telegram having come down from Melbourne without having been opened on board?—I do not consider that the whole case depended on that one fact. It depended on a series of facts.

792. You charged the Government with stealing your telegram?—With misappropriating it.

793. You say you charged the Government with misappropriating it?—In the article of 3rd October you wrote "it appropriated to its own use the telegrams to which it had no more right than it had to the pocket-handkerchiefs or the watches of private individuals." You charged the Government with appropriating the telegram, and you drew your deduction from the fact that that telegram was the only possible means of the news getting on board the "Gothenburg"?—I know that that was the only telegram that could possibly have been sent down by the "Gothenburg."

794. Was it not most dishonest journalism not to allow the public to know that the telegram was opened on board directly that you knew it?—No, I do not think there was any dishonest journalism.

795. You think it honest as a journalist to lead the public to suppose there was no possible means by which that telegraphic news could have leaked out excepting from the telegram itself, knowing all the time in your own mind that that telegram had been opened on board the steamer and read—do you think that honest?—I do not call it dishonest.

796. Did you know it sometime in October?—I cannot be positive as to when I knew it. I did not consider that the charge depended at all upon that.

797. Did you know it in October?—I suppose I did. I cannot be certain. It is impossible to recollect dates at this lapse of time.

798. Did you know it in October?—I cannot be positive.

799. To the best of your belief?—To the best of my belief I knew it at the next meeting of the directors on the 5th October. Most probably I knew it then.

800. Did you tell it to your readers when you knew it?—I do not think I made any statement of the kind.

801. You were of opinion that it was more probable that the Government had ordered the officer at the Bluff to misappropriate telegrams than that the telegram had been read on board the "Gothenburg" and spoken about on board?—That was not the question before me.

802. Your whole case depended on the telegram being the only one on board; upon its being impossible that the information contained in your telegram could have been known on board ship; upon nobody else knowing the contents of that telegram?—Not precisely that. It depended upon the fact that that was the only telegram containing that news that was on board.

803. Did you consider it more probable that an officer in the employ of the Government should appropriate your telegram than that those who read it on board should have spoken about it?—I decline to answer that question as you put it. [The Chairman ruled that the question as put need not be answered.]

804. You did not tell the public that this telegram had been opened on board?—I did not consider it necessary that I should tell them that fact.

805. I think you attached a great deal of importance to the fact of these complaints against the Telegraph Office being wide spread?—I do not know that I attached any importance to that, but I know they are wide spread.

806. You attached a good deal of importance to the fact that other papers took up the case—Australian papers? I do not know that I attached a good deal of importance to that, because it was after I left the *Daily Times* office.

807. The Committee was granted on account of the wide-spread imputations against the Telegraph Office, and it was considered necessary to ascertain the truth. Did you write the articles in the *Argus*?—No, I did not.

808. Did you contribute the information upon which those articles were based?—I did not contribute a word of the information to the *Argus*.

809. Not the information upon which those articles were based?—No, I had nothing at all to do with those articles.

810. When did you know that the purser put in that memorandum that was sent to the *Independent*?—It is impossible for me to recollect those dates.

811. Did you know it in October?—I do not think I knew it until the purser gave evidence in the Resident Magistrate's Court, Dunedin.

812. Then, when you found that the purser had given in a telegram that was sent to the *Independent*, did it not at once shatter that part of the case which referred to that telegram—did it not shatter the statement that the Government stole it?—I may be allowed to state the fact that this telegram of ours had appeared word for word in the *Independent* at a time at which I believe they could not have legitimately obtained it. The fact of the message having been handed in by the purser could not do away with the suspicions I had formed.

813. Did you not accuse the *Independent* of stealing the telegram that the purser handed in at the Bluff—did you not accuse the Government of having appropriated a message that contained those three items?—I accused them of having appropriated the late telegram that contained those items.

814. Did you not say that those items could only have been obtained by the *Independent* from the Government?—I thought it could only have been received by the *Independent* either through the Government or from the Telegraph Office.

815. Did you think the Government stole the three items which the purser sent in?—That is hardly a fair question as to whether I thought that the Government stole the three items.

816. You, in the article of the 3rd October, say "We believe that we have legal evidence, however, to prove the astounding fact that the Government not only suppressed the news for several hours throughout the Colony, but that it appropriated to its use the telegrams to which it had no more right than it has to the pocket handkerchiefs or the watches of private individuals." You referred to the publication by the *Independent* of the second edition as a part of this charge?—The second edition was identical with ours. They published a third.

817. I am speaking of the one that appeared the same day?—My charge related to the one they published next morning.

818. Did you not make a charge that the second one was purloined?—My charge related to the one published on the following morning—the third telegram.

819. When did you become aware that the *Evening Star* had published a telegram almost identically the same as yours?—I suspected it the day they published.

820. When you heard that the *Evening Star* had sent up a copy of the telegram, what reason did you have for supposing that the account was not true—you were told that the *Evening Star* had sent up a copy of the telegram, whether out of its own paper or the *Daily Times*—did you afterwards reiterate that charge?—I told you the explanation was not satisfactory, for I saw too many suspicious circumstances.

821. Did the *Star* state that they sent up a telegram to the *Independent*?—Yes.

822. Did I say that a telegram had been sent up?—You said that one had been sent up.

823. Did you believe Mr. Clayton's evidence?—Yes.

824. Did not that shatter that part of your accusation about the Government stealing that telegram?—That is a question for a Court of Law to decide.

825. You say that you believe that Mr. Clayton sent up the telegram?—Yes.

826. If he sent it up, how did the Government steal it?—He may have sent it up, and the Government have stolen it; the two things do not conflict. I believe that the whole evidence including Clayton's and Bell's, was not so clear and explicit as it ought to have been.

827. You have told me that you believe that Mr. Clayton did send up that telegram?—I believe he was speaking truthfully.

828. If the *Star* sent up that telegram, how could you state that you believe the Government appropriated it?—What I said was that I did not accept the explanation as satisfactory.

829. How can you believe that the Government misappropriated the telegram for the *Independent* when you state that you believe that the *Evening Star* had sent it to the *Independent*?—It may be perfectly true, notwithstanding Clayton's evidence. I do not see what it has to do with the matter. What I want to say is this, that I did not consider the explanations offered were as satisfactory as

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they ought to have been. There were so many suspicious circumstances about it which I could not explain to myself, that I could not feel justified in accepting the explanations as I otherwise should.

830. You tell me, Mr. Barton, that Mr. Clayton sent up a copy either of the *Star* or the *Daily Times* telegram to the *Independent*?—I say I believe he was speaking truthfully.

831. Did he say he had sent up a copy?—Yes.

[The Chairman requested the witness to give his evidence in a more direct manner, and avoid the necessity for the repetition of questions. "Yes" would have been the direct answer to the first question.]

832. *Mr. Vogel.* When you knew that this telegram was opened on board the steamer; that the purser put in a telegram which was substantially the same as the second edition of the *Independent*; that it came out in evidence that the *Evening Star* had sent up a telegram substantially the same as that which appeared in the *Independent* on the following morning, you state on your oath that you believe that the Government appropriated the *Daily Times* telegram?—I said I believed it. I do not think these questions are fair. I have endeavored to satisfy myself as to the actual facts of the affair, and I have carefully read over the evidence of the other witnesses, which the Committee permitted me to do, but it has not removed the impressions I formed.

[The Chairman ruled that the question was a perfectly fair one, and requested the witness to give direct answers.]

833. *The Chairman.* You are asked whether you believe that the Government did or did not appropriate the telegram?—I answered the question by saying that my previous impressions have not been removed by the explanations given, and by the evidence read by me.

834. Is the Committee to understand that the Government appropriated the telegram?—I do not say so.

835. *Mr. Vogel.* Do you or do you not believe that the Government appropriated the *Daily Times* telegram?—I should say this, that in the absence of any satisfactory evidence I believe they did.

836. Do you now believe that the Government appropriated the *Daily Times* telegram?—In the absence of sufficient explanation I must believe that they have acted unsatisfactorily. My meaning is simply this—remove the suspicious circumstances, and I will withdraw the charge. That is what my answer amounts to.

837. *The Chairman.* You mean, "Yes, you do." You have already told the Committee that you do not consider you have sufficient explanation, and now you say that, in the absence of that explanation, you still believe that the Government appropriated the telegram?—I do not wish "yes" put down; I did not say it.

838. *Mr. Webster.* What were your first impressions?—That they had misappropriated the telegram.

839. *Mr. Vogel.* Where did you think it was misappropriated?—Of course I cannot be quite clear as to where. It must have been misappropriated in this way. That ministers, for instance, may have a manifold copy of a telegram, and may have handed it to the *Independent* or some other person; or, on the other hand, the *Independent* may have got a copy of the telegram from the telegraph office, acting under instructions. That is the way in which Mr. Gisborne got a copy of Mr. Stafford's speech telegram.

840. Do you believe that to be the case in the face of the operators having sworn to the contrary—in the face of Tipping's evidence that he did not forward a copy to Wellington of your telegram—do you still believe it to be the case?—He simply swore that he sent on the telegrams as he received them. That has nothing to do with the charges.

841. In the case you refer to, it was admitted that the telegram was sent to Mr. Gisborne; but in the case before us, if Ministers had a copy of the *Daily Times* telegram, it must have been sent to them from the Bluff or Dunedin?—From the Bluff to the *Evening Post*.

842. You believe a copy was obtained at the Wellington office?

[The witness objected to the questions as being unfair. The Chairman ruled that they were not at all unfair, and should be answered].

843. *Mr. Vogel.* Do you believe that this misappropriation took place in the Wellington office?—In Wellington.

844. How could Mr. O'Toole have stolen the contents of the telegram, or misappropriated them. You say that it was done at the Bluff, and then that it was done at the Wellington office. How do you account for his sending up the information?—He was instructed to send it up. He may have got it from several sources—from the Telegraph Office at the Bluff, for instance.

845. I may ask what your belief is in this matter. You give a lot of evidence, which I fail to understand how it applies to the case. You tell us that you believe, notwithstanding all the evidence we have got, that this appropriation took place. I want your theory as to how it could have taken place. How could Mr. O'Toole steal it if the misappropriation did not take place until it got to the Wellington office?—He may have got the news from persons who were in the office, or those who gave it at the Bluff.

846. You believed that the telegraph operator, Mr. Tipping, may have been guilty of perjury in his evidence at the Court at Dunedin. Do you believe that this gentleman committed perjury?—I should be very sorry to accuse him of perjury.

847. How do you consider that Mr. O'Toole obtained the information?—I am not prepared to say how Mr. O'Toole got his information at all.

848. You led the Committee to believe that Mr. O'Toole obtained his information by appropriating it from the *Daily Times* telegram. Do you believe now that he obtained the information from the *Daily Times* telegram?—I believed it must have been improperly obtained. I attach very little weight to Mr. O'Toole's evidence, considering the flat contradiction given to it by Captain Pearce.

849. You believe it was improperly obtained?—Improperly obtained.

850. From whom?—Well, I have said I cannot say from whom he got it.

851. From the Telegraph Department?—He may have been ferreting about in Captain Pearce's drawers, and got in his cabin, and got the telegram.

852. Well, all your charges are against the Telegraph Department?—Against Ministers. I make none against the Telegraph Department.

853. Do you mean to say that Ministers told Mr. O'Toole to ferret about Captain Pearce's drawers?—No. I did not say that at all.

854. I want to know how it is that you can possibly suppose that this telegram has been misappropriated. What is your theory?—I am not bound to construct a theory.

855. You are bound to say whether you think this telegram was misappropriated?—I am not bound to say who misappropriated it. That would be for the public accuser to say. I say it was improperly obtained. I am not bound to say how it was improperly obtained.

856. *The Chairman.*] You are bound to say, in answer to a question, whether it was obtained through A, B, or C. You are certainly bound to answer that?—I am quite willing to answer anything of that kind, but I am not bound to construct a theory.

857. *Mr. Vogel.*] Do you believe that the *Daily Times* telegram was appropriated by the Government?—I believe that the telegram was misappropriated.

858. *The Chairman.*] Have you any specific grounds of belief for that opinion?—I think many, which I stated over and over again.

859. *Mr. Webster.*] They were general grounds you have stated and alluded to?—Yes.

860. *Mr. Vogel.*] Did you promise me, before you went to Auckland, that you would not arrange with Mr. Wilson of the *Herald*, before you returned to Wellington?—I do not recollect making any promise of that kind. I said I would not make any arrangement with you before I went to Auckland.

861. Did you say you would not make any arrangement in Auckland before you returned to Wellington?—I do not recollect precisely what I said at that time.

862. Did you give me any assurance that you would not arrange with Mr. Wilson until your return?—No. I may have told you, but I am not certain.

863. Is it your impression that you did?—It is rather my impression that I did not. I cannot be certain.

864. Did Mr. Reeves go to Dunedin to complain of your conduct?—He went to Dunedin to make a complaint.

865. He considered you treated him badly?—I do not think I did, though.

866. The directors refused to ratify the arrangement come to to supply the *Press* exclusively?—No. They allowed the agreement to stand.

867. Did they alter the arrangement?—They allowed the agreement to stand, with this addition, that the *Lyttelton Times* should be allowed to join, on halving the expense with the *Press*. They reversed it, so far as the exclusive supply.

868. The witness then made the following statement:—I desire to explain what was incorrectly stated by me, with reference to the publication of the English mail telegram in the *Hawke's Bay Herald*, in answer to a question by Mr. Webster. Mr. Webster asked me whether I had any evidence. I wish to say that the evidence I had was not only that of the *Hawke's Bay Herald* itself, but also Mr. Gifford's evidence. I think I stated that the first English mail telegram after my return to Dunedin in August, came on the 8th September, I find, on reference to the file, that there were two telegrams in August—that is, two English mail telegrams.

Examination closed.

The Hon. Julius Vogel, Telegraph Commissioner, sworn and examined.

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869. Mr. Vogel stated:—The arrangement under which the Government supplied telegrams was made before I was in office, and as far as I am aware it arose in this way. The English mail arrived with intelligence that the Commercial Bank of New Zealand had failed. At that time the telegrams came from the Bluff, and the agent there did not communicate the news for one whole day to the press, and the consequence was that information reached Dunedin by private telegram twenty-four hours before it was generally known, and there was a run on the bank, the bank manager being in ignorance of the bank having failed. After this the Government was requested to supply English mail telegrams to all the papers, and that plan was carried out. It was frequently proposed to stop this arrangement, but it was in force when I came into office. I instructed Mr. Lemon to send circulars to all the newspapers, asking them whether they were willing to continue under a general arrangement. After the replies were received it was decided to discontinue the plan of supplying press telegrams. I believe Mr. Barton referred to a private letter I wrote to Mr. Reeves upon the subject. Mr. Reeves was always opposed to the Government supplying telegrams, and thought it was a mistake to pursue that course. I think I stated to him that there was no desire on the part of the Government to continue to employ the gentleman who had acted in Melbourne in compiling the telegrams, but, on the contrary, if all the papers would agree, the Government would appoint anyone in Melbourne they selected; that was something of the effect of the letter I wrote as far as I recollect. It is very likely I said that in case an arrangement should be completed in which all the papers should join, I should be very happy to join also—it is very likely I said my paper, the *Southern Cross*, should join. The first month after the arrangements for supplying the telegrams had ceased, news reached the House that Lord Clarendon was dead and that there was going to be a change in the Colonial Office. Members asked me if it was true. I forgot that the arrangement for supplying English telegrams by the Government had ceased, and I sent to Mr. Lemon and asked him how it was that the news had not reached me. Mr. Lemon reminded me of the new arrangement. I thereupon said that the Collectors of Customs at the Bluff and Hokitika should supply a telegram to the extent of 100 words when any important intelligence arrived. They should ascertain whether any important news was on board the vessel, and, if so, telegraph it to the extent of 100 words. Mr. Barton referred in his evidence to interviews that took place between us, and he said that I asked him to call at my

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office. I may have done so—I do not wish to deny that I did. I deny that I had any ill feeling against him. Mr. Barton to a certain extent had placed himself in a position of antagonism to me, but I at that time was disposed to think that he meant well at any rate. I had an interview with him: it may have been at my suggestion, and I am not prepared to say it was not; but I am under the impression that he must have expressed an equal desire to see me, for I was very busy at the time. I am prepared to swear most distinctly he was very anxious that the *Southern Cross* should make an arrangement with him, or, rather, as he called himself, the Press Association. I told him that I very much disapproved of the plan of excluding some papers and including others. I disapproved of the proposal to monopolise the despatch of local telegrams, for I thought it gave too much power to one paper. I may state his proposal was to retain the entire control of all appointments, and I objected to that. He was very pressing, and I consented to this: that if Mr. Wilson, of the *Herald* joined, I would do so also; and he, on his part, agreed that he would not make arrangements with Mr. Wilson without first seeing me again upon his return from Auckland. I absolutely deny asking him to take the *Southern Cross* in for nothing, or asking him to take in the *Southern Cross* upon exchange of Thames telegrams as some return on my part. The Committee will have to consider that in June the Thames goldfield was in such condition that there was scarcely any interest felt in it at all. It was looked upon as comparatively for the present a failure, and very little interest was taken in it. That is my impression of the state of that goldfield about June, 1870. I should point out to the Committee also that Mr. Barton's own evidence is exceedingly contradictory. He first stated that he would not make any arrangement until he went to Auckland, and afterwards he told the Committee that he might have been anxious that the *Southern Cross* should join, and these were entirely conflicting statements. I recollect nothing about Mr. Barton saying anything respecting the two hundred words, and my impression is that he said nothing to me on that subject. I recollect declining to talk over departmental matters with him, and I told him I would prefer that he should communicate with Mr. Lemon, and I gave him my card as an introduction to that gentleman. At the same time I did point out to him, not officially, but in the course of private conversation, that if he carried out the arrangement by including some papers and excluding others it would be fatal to any idea of obtaining special concessions from the Telegraph Department. It would only be possible for the Telegraph Department to give concessions to the whole press. With respect to the charges made as to favour being shown to the *Wellington Independent*, at the time those complaints were made I was away. Some very scandalous articles appeared on the subject; they were entirely devoid of truth, and although it was within the knowledge of the Government that they were false, it was impossible for us to give an explanation, because the *Independent* and the *Star* had it in their power to say "You shall not explain how this telegram reached the *Independent*, for it was a private telegram sent from the *Star* to the *Independent*," and we had no right to divulge the secrets of the Telegraph Office. It was not until the *Star* gave us liberty to do so that we had an opportunity to give that explanation. Mr. M'Kenzie had previously declined to give his consent until the *Star* consented. He told me before I left Wellington on my way to Dunedin, and I believe subsequently to my leaving, in a letter, that he declined to give that permission. The following letter was written to Mr. M'Kenzie:—"New Zealand Telegraph, Head Office, Wellington, December 1st, 1870. Sir,—I am directed by the Hon. the Telegraph Commissioner to inquire if you would have any objection to the Commissioner stating that part of the English news published in your issue of Saturday, 1st October last; was received from Dunedin? I should feel extremely obliged by an answer to the above at your earliest convenience.—I have, &c. C. LEMON, General Manager. To T. M'Kenzie, Esq., proprietor of the *Wellington Independent*." And the reply was as follows:—"Wellington Independent Office, 6th December, 1870. Sir,—I have the honor to acknowledge receipt of your letter of 1st instant, and in answer beg to state that after what has taken place with regard to the telegrams in question I do not feel myself justified in granting the Commissioner leave to state whence they were received by me.—I am, &c. THOS. M'KENZIE. C. Lemon, Esq., Wellington." I am under the impression that before I went to Dunedin Mr. M'Kenzie, either personally or by message, said that unless the *Star* granted permission he could not do so. Those scandalous articles that appeared in the *Otago Daily Times* were evidently calculated to strike at the revenue of the department. While the articles were appearing, letters were received from the directors of the *Otago Daily Times* asking for an explanation of the circumstances. The Government replied in effect that unless there were some sort of an apology they should not consider the application, because they thought an inquiry should have been instituted before such scandalous allegations were made. At that time I was visiting Dunedin, and had to speak in public, and it was deemed desirable that I should repel the charges. At the first meeting some few persons created a great disturbance, and I could not get a hearing, and by the time they were quiet the theatre was required for a performance, and I had to leave. Subsequently I addressed a very large meeting, and made a full explanation. The only inaccuracy was this: that I stated that the *Evening Star* had cut the telegram out of the *Daily Times*, for I was not aware at that time that the *Evening Star* had copied the *Daily Times* telegram. It was not of the slightest consequence whether it was the *Daily Times*' own telegram that had been sent, or the *Daily Times*' telegram copied into the *Star*. I was asked what I knew about the Timaru matter. I stated that I was ignorant of the circumstances, but that my impression was that some arrangement had been made for supplying the telegram. That was incorrect, but it had nothing to do with the charges with which we are dealing. Mr. Gisborne had just taken charge of the department, and on Mr. Lemon's asking him if he would like to see a copy of Mr. Stafford's speech, he inadvertently said, yes. The proper course would have been, no doubt, to have asked permission from the *Daily Times* to have the telegram sent through to Wellington, and I am sure that the *Daily Times* would not have had any objection to do so. To prove how little they believed the charges they were making, the *Times* courteously sent me a copy of the English news that arrived when I was in Dunedin, proving that they believed that I was not in the habit of purloining telegrams from the Telegraph office. These explanations were made, and the *Otago Daily Times* rather offensively said that the charges were not in the slightest degree shaken, or used expressions to that effect. The Government then determined to prosecute, and I remarked

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in a private conversation I had with Mr. Murison that the prosecution would be against the directors. It was attempted to prove that I had instigated the prosecution of Mr. Barton, but Mr. Murison might have said that I had no idea that Mr. Barton would be prosecuted. I wish to state this, as Mr. Macassey apparently rested the whole weight of his case upon the fact that the prosecution was a vindictive one against Mr. Barton in consequence of my having an animus against him, as well as the circumstance I have already alluded to, viz., the alleged exclusion of the *Southern Cross* from the Association, which I have stated to be absolutely false, and it is untrue that I pressed him to allow that paper to join. I wish to state that it is absolutely false that I instigated the prosecution against Mr. Barton. My recommendation was that the directors or the publisher should be prosecuted, and it was only on the 7th or 8th January, when I was leaving Auckland to go to England, that Mr. Haggitt telegraphed to the Government suggesting that Mr. Barton should be prosecuted. I had no hand or part in the suggestion, and, if corroborative evidence were necessary, I could read extracts from one or more of my last telegrams to my colleagues. I thoroughly disapproved of trying the case in any but the ordinary manner, and I said that to employ the Attorney-General would be wretched policy, and would create adverse local prejudice. I wished the case to be conducted in the ordinary course before a magistrate, and I thought a committal for trial alone would be a very great punishment. I said the Crown Prosecutor should give retainers to Mr. Macassey and Mr. Smith, and then ask for an explanation from the directors, and if they did not retract, then to proceed against the directors or the publisher. It was never my intention to prosecute Mr. Barton. There were many articles referring to the Telegraph Department. The revenue of the department might be affected by the article of which the following is an extract:—"It would sink so far in public estimation that no one would avail himself of its services except under the most ordinary circumstances. The Post Office would again become the sole channel of communication wherever secrecy might be desired—so long, at least, as the integrity of that department might remain unimpeached." It is evident to me that if the Government is to carry on a Commercial Department it must prosecute in cases where libels are published calculated to affect its revenue. For instance, it would be necessary to do so in the case of libellous articles that would have the effect of lessening confidence in the Postal Service, Savings Banks, or Government Insurance. I may state the following, but it is only second-hand evidence: I am informed that the prosecution was instituted against Mr. Barton on account of the imprint of the *Otago Daily Times* not being of the nature that would enable legal proceedings to be properly taken against the paper. I am inclined to think it would have been a judicious course to have taken proceedings against the paper to compel it to have a proper imprint. I am informed this is the reason for the prosecution having been against Mr. Barton instead of against the directors. I have no knowledge whatever about the telegrams for the *Evening Post* having been delayed, but that matter has been inquired into by the department, and I would suggest that Mr. Lemon should be examined on that subject. I should be obliged if the Committee would put any question to me about anything which they think requires explanation. Mr. Barton stated in his evidence that I said that Mr. Wilson had deceived me before and might be doing so again. I have no recollection of having said so. The final understanding with Mr. Barton before he left for Auckland was I feel certain this: I was very reluctant to join the Press Association, as I did not like his plan, especially in treating the English mail telegrams in the same way as the other telegrams. At the same time I said I would join the Association if Mr. Wilson did, and I told Mr. Barton that we were in the habit of working together in these matters. Mr. Barton, in return, said he would not enter into any arrangements in Auckland without first telling me of them. Mr. Barton on his return from Auckland told me that Mr. Wilson had been very anxious to sign the agreement without me, but that he (Mr. Barton) remembering his pledge to me, had not allowed Mr. Wilson to do so. I pulled a letter out of my pocket, and said to Mr. Barton in a manner which I could hardly help being offensive, "Your statement does not tally with my information. Here is a message I have had from Mr. Wilson to the effect: Don't have anything to do with Mr. Barton's arrangement." He could not conceal his annoyance at my not joining, and brought to bear upon me a species of threat, saying, "At any rate if you don't join you will not get the information from Hawke's Bay you are in the habit of getting;" and he told me that the gentleman he referred to at Napier had undertaken not to supply any news unless to the members of the Press Association or to Mr. Barton's order. I forget his words, but that was the meaning of his statement. As you may well imagine, I had not a great opinion of Mr. Barton or of the Press Association, or of anything he was connected with, after his misrepresentation about Mr. Wilson and the threat he brought to bear against myself, and I concluded I would have nothing at all to do with his telegraph arrangements. We then talked over other subjects, and he gave me to understand that the directors were not treating him well, and he said he thought they intended that Mr. Murison should supplant him, and I said I thought it very likely. I have a very clear recollection of this conversation having taken place between us. As for sending Mr. Fox, my Private Secretary, to Mr. Barton, I have a very distinct recollection that I did so, not so much with a view of making an appointment as to make an explanation for not having kept a prior appointment.

870. *Mr. Barton.*] Did you receive any recommendation from the General Manager of the Telegraph Department about a reduction of wire charges?—The following recommendation was made by Mr. Lemon, on an application by Mr. Barton, dated 15th July, 1870, for certain concessions:—"Submitted for the information of the Hon. Telegraph Commissioner, and for his instructions. On calculation, I find that a press telegram of 1500 words at present rates costs £2 10s 6d. I think if Mr. Barton can get 10 papers to subscribe, that an allowance of 10 per cent might be made them; and in the event of his getting 15 papers to subscribe that an allowance of 20 per cent be made them. The subscription from the 10 papers at the press rates now in force, would amount to £25 5s; for 15 papers to £37 17s 6d; this taken twice a month—Suez and San Francisco—would yield a handsome revenue after deducting the 10 per cent and 20 per cent respectively. In the first case it would be for 10 papers for 12 months, £606, less 10 per cent; and 15 papers, £909, less 20 per cent. The subscriptions from the press for the mail summary during the year has been £487 11s 4d, and the

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expense of compiling the same in Melbourne has been £74, leaving a profit of £413 11s 4d. As there will be Australian telegrams to meet in the same way, which will in all probability average 50 words, each cost 5s 6d—10 papers £2 15s, 10 per cent off; 15 papers £4 2s 6d, 20 per cent off. Thus, taking the Suez, San Francisco and Australian summary, if 10 papers took them, allowing 10 per cent, (taking the Australian summaries, four in a month) we should nett £664, and if 15 papers did the same, allowing 20 per cent we should net £887. If the ordinary press telegrams that are usually sent at night or any time during the day are all kept till night, I think an allowance of 20 per cent may be allowed on anything over 500 words, but nothing under, as the officers would have to be paid overtime, and it would not be worth our while to take into consideration anything less. Mr. Barton lays great stress on relieving our wires during the day, but he forgets that the latest time up to which he can get information makes the Telegraph doubly valuable to newspapers.—C. LEMON, General Manager." *Minute*—"Leave over till after session.—J. VOGEL." I spoke about this matter to Mr. Lemon, but we put it off for some time, and when about two months afterwards it was found that Mr. Barton had allowed a number of papers to join, some of which were Ministerial and some Opposition, and had excluded others, we came to the conclusion that until some association was formed which any member of the press that liked could join we could not give exclusive advantages.

871. On what date did the refusal take place?—[*Memorandum by Mr. Lemon, date 15th Sept., 1870, read*:—"Submitted for the information and instructions of the Hon. the Telegraph Commissioner. "The arrangements made in the press for sending English news in accordance with Circular, (23rd March, 1870) do not seem to give some members of it satisfaction. Mr. Barton of the *Daily Times* seems to think that whichever telegram is presented first should be sent *all first*, thereby excluding any other papers from a use of the wires, and giving his agency a complete monopoly. The way I read the Circular (and at the same time think that it is the most liberal construction) is that where two wires are in circuit one shall be set apart for press purposes, but I consider that that does not infer or in anyway imply that whichever telegram is presented first is to be sent *all first*; but that the press messages shall have *exclusive* use of *that* wire for the time being, and that the rule of limiting the transmission to two hundred words at a time of any one message, should still hold good in the transmission of those press messages where two or more have to go over the same wire.—C. LEMON, General Manager." *Minute* by the Hon. Mr. Vogel—"Have discussed the matter in Cabinet, and determined to return to the 200 words rule: first press telegram to hand, then break for next message and so on.—J. VOGEL, 15th September, 1870."]

872. Is it usual in the Government service for a Minister to act upon the recommendation of the Head of a Department?—In many cases Ministers adopt what Heads of Departments recommend, for I am glad to say that our Heads of Departments are very efficient officers. Their recommendations are by no means, however, invariably acted upon.

873. Are Mr. Lemon's recommendations usually acted upon?—Mr. Lemon is a most excellent officer, and his recommendations receive very large consideration.

874. Did the Telegraph Commissioner grant a reduction of wire charges to Mr. Montrose who is carrying on Greville's agency?—I believe that Mr. Montrose was permitted to have free use of the wires with a view of getting all the papers in New Zealand to join, after the Press Association became defunct. I believe it was done on the ground that all papers should join. I did not authorise it.

875. Did you sanction it?—No I was not in the country, Mr. Sewell was acting as Commissioner.

876. Were you aware of the proposition made by Mr. Montrose?—No, I was away.

877. Was Mr. Montrose sub-editor of the *Southern Cross*?—Yes, some time since—and allow me to say that his telegraph agency was altogether against my wish, and on one occasion I offered him an increase of salary to give it up. I have always desired to aid my employees on the press by allowing them to make money by correspondence; but Mr. Montrose's arrangements were likely to assume large dimensions, and I wished him to give them up, and I never encouraged them in any way. I considered him a most excellent officer.

878. Was Mr. Montrose allowed the free use of the wires while arranging for these telegrams?—I was in England at the time.

879. With reference to the 200 words, are the Regulations of the Department correctly printed in this pamphlet (*Regina v Barton*)?—I have already explained that the expression "English Mail Press Telegrams" had grown to be considered by the Department to mean telegrams supplied by the Government to the press.

880. How does Mr. Vogel account for the fact that the sentence about the English mail telegrams is not mentioned in the Circular?—I told you that "English Mail Press Telegrams" referred to telegrams sent by the Government to the papers.

881. Why was it not mentioned in the Circular?—Because these press telegrams had ceased to exist, that limitation had no further effect. As there were no "English Mail Press Telegrams" there was no object in mentioning it. [*Circular of 26th May, 1870, read.*] If we had considered that the paragraph you refer to removed the restriction concerning English messages, why should the Circular be worded as it was, about helping the Press as far as possible? But we knew that the words in the paragraph referred to a particular class of telegrams that had ceased to exist.

882. Did not that Circular refer to English mail press telegrams entirely? Does that refer simply to the terms upon which telegrams would be supplied?—The first part says that the Government would cease to supply summaries—that means "English Mail Press Telegrams." Mr. Lemon informed me that the proviso was inserted expressly to meet the case of the Government sending telegrams through as they did, for otherwise it would have been illegal for them to do so.

883. Does not this regulation apply to English press telegrams?—I am informed by the Department it was meant to do so. My impression is that the Department had grown to understand that "English Mail Press Telegrams" were those supplied by the Government.

884. Under what Government were these Regulations made?—If they were passed in my time, I took them upon the faith of Mr. Hall having approved of them.

885. It is to be understood that regulation No. 6 did not apply to telegrams by private companies or persons?—Certainly.

886. Is it at all likely that any other telegrams would be passing through the office of greater length than 200 words?—Yes. The English news telegrams are much longer, I should think. *Hon. J. Vogel.*

887. The English telegrams are the only ones likely to exceed 200 words?—I cannot tell the average length of Australian telegrams. *24th Oct., 1871.*

888. Is it not a question of the Australian telegrams—private telegrams passing through the office are not likely to exceed 200 words; that is, excepting English and Australian telegrams?—The object is to prevent the exclusive use of the wire. A mail might arrive with information, and an attempt might be made by telegraphing one or more chapters of a book, or, or has been done, of the Bible, to keep information from the people.

889. Was it not the intention of the Government, when sending these circulars, to abandon the restriction of 200 words?—It depended upon whether the papers were able to come to an arrangement or not.

890. When did the Government impose this restriction of 200 words upon press telegrams?—I am not aware, it was a departmental matter, and I don't think it was brought before Ministers.

891. Would it be competent to the manager to impose that restriction without the authority of the Minister?—It would not be competent to the manager to do anything that was illegal.

892. Was any circular sent to the papers informing them that this restriction would be imposed?—Only this one, as far as I am aware. I don't know of any other.

893. So far as you are aware, no communication was made to the newspapers in the Press Association, with reference to the restriction of 200 words being imposed?—No, I do not know of any.

894. Did you not consider that the imposition of that restriction was to some extent a breach of faith on the part of the Government, as towards the newspapers?—Most certainly not. Mr. Barton, to have allowed you to pick out each paper as you liked to receive early news, and shut out other papers, would have been very unfair on the part of the Government.

895. Do you think it the business of the Government to consult the interests of newspapers, when you talk of unfairness in the despatch of telegrams?—I do not think it is the interest of the Government to consult the interests of newspapers; but when the Government is asked to evade the law, or alter regulations, it should consider well before doing so. The law, as it stood, was that there was no right to send more than 200 words at a time. If there was no such restriction, any one who got first possession of the wires could keep possession of them in the most frivolous manner for the whole day, and some important information—such as that I have already referred to respecting the failure of the Commercial Bank—might be kept back from the public.

896. Would not that be to the benefit of the revenue of the Telegraph Department?—There is no benefit to the revenue one way or the other. In either case, the wires would be occupied, and the revenue would not benefit or lose by it that I can see.

897. [*Memorandum by Mr. Lemon, dated 15th September, 1870, read.*] Can you explain why notice to the newspapers in the Press Association was not sent about the 200 words?—I prefer that you should ask Mr. Lemon, for after I made that minute I left the matter in his hands.

898. Will you swear that this restriction was not imposed with the view of obstructing the Press Association, and assisting Greville's?—I will, most positively—that I had no object of that kind. As stated by Mr. Lemon, it was not considered advisable in the interests of the public to grant a monopoly.

899. Is it not a fact that Greville's Agency possesses the monopoly of which you speak?—My impression is that Greville's Agency takes any paper that offers.

900. Well, is not that a monopoly?—I am not aware what are the terms of, or the arrangements made with Greville's Agency.

901. Is the restriction of 200 words imposed at present?—The arrangement was made by Mr. Sewell, in my absence. My opinion is, that as far as English messages are concerned, if there could be an arrangement in which all papers could participate, the Government would be justified in giving some concession.

WEDNESDAY, 25TH OCTOBER, 1871.

Present :—

The Hon. Mr. Stafford, in the Chair.

Mr. Farnall,
Captain M'Pherson,
Mr. Rolleston,

Mr. Steward,
Hon. Mr. Vogel,
Mr. Webster.

Mr. Reeves, M.H.R., in attendance, and examined on oath.

Mr. Reeves.

902. *The Chairman.*] You have been requested to attend the Committee in consequence of having been named by Mr. Barton as one of the witnesses he would like to call in support of certain charges in respect of bad administration, or ministerial influence, in working the Telegraph Department, and the Committee having determined to investigate every charge that has been made, will proceed to examine every witness who is said to be able to throw any light upon it. I am quite unaware of what particular evidence you can give, but as Mr. Barton has wished you to be examined, any questions which he wishes to ask will be put to you through the chair. Mr. Barton has referred to a letter you received from Mr. Vogel?—I should like to know first of all what letter it is that Mr. Barton refers to, whether it is a letter I received from Mr. Vogel in answer to one I addressed to him, as far as I recollect, urging upon him the propriety of the Government giving up supplying the newspaper press with the telegraphic reports, and leaving it open to newspapers to establish their own agency.

903. *Chairman to Mr. Barton.*] Is that the particular letter you refer to?—The letter I refer to is one from Mr. Vogel to Mr. Reeves, on the subject of the telegraphic arrangements about to be entered into by the papers after the termination of the Government system of supplying telegrams.

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904. *Witness.*] Am I to understand that Mr. Barton wishes me to state exactly the contents of that letter? If so, I am quite unable to do it, for it must have been received by me eighteen or twenty months, or perhaps two years ago. I will state generally what I believe the contents of that letter to be. I had, personally, strong objections to the Government supplying the press with telegrams at all, and I expressed those objections publicly through the columns of the *Lyttelton Times*, and privately to members of the Government. I think (I am speaking very guardedly, for I have no clear recollection of the matter) this letter was in answer to one I wrote to Mr. Vogel. I have tried to recollect the contents of that letter during the last few days, when I understood I was probably to be called before the Committee, but I cannot speak of it in more than a general way. Mr. Vogel intimated to me that the Government would accede to my views—that they were quite indifferent about supplying the press with telegrams, and that, therefore, the press would be left free to make their own arrangements. This, I looked upon as a semi-private intimation to me, that, in the course of two or three months, the press would be at liberty to make its own arrangements. It was in consequence of that, and being under the impression that Mr. Barton was desirous—as he had informed me some twelve months previously, on more than one occasion—to establish an agency, whereby certain leading papers of the Colony might combine together, as in the case of the *Argus* and *Sydney Morning Herald*, in Australia, to obtain the best and first telegraphic news, that I communicated with Mr. Barton, telling him I was aware that the Government would, in the course of a few months, give up sending telegraphic messages, and that now was the time for him, if he intended to do so, to establish this combined agency of a leading paper in each Province to carry out his ideas. I don't know whether Mr. Barton answered that letter or not.

905. *Mr. Barton.*] Did not Mr. Vogel's letter state his desire that the *Southern Cross* might be included in any arrangement that might be made by the *Lyttelton Times* and *Otago Daily Times*?—That is probable. I could not say whether Mr. Vogel did so or not.

906. *The Chairman.*] Have you got that letter?—I don't think I have got it. I did not attach any great importance to it, for I regarded it as no more than an announcement by the Government of its intention of giving up the telegraphic service, and leaving me to make arrangements with Mr. Barton, or anybody else, to establish what I wished to see established, an independent press telegraphic agency.

907. *Mr. Barton.* Did it not convey the idea that Mr. Vogel was anxious that the *Southern Cross* should join other leading papers?—Decidedly, no. There is no impression on my mind that there was special weight attached by Mr. Vogel to any particular arrangement of that kind. The impression left upon my mind with regard to that letter, was simply this: that, in compliance with repeated requests on my part, he had concluded that the Government should give up what amounted to a monopoly of the supply of telegraphic news.

908. Can you distinctly state what Mr. Vogel's wishes were with respect to the *Southern Cross*?—I think it quite possible he might wish the *Southern Cross* to be included, and if he had I should have thought it a very natural wish. If he did, I attached no weight to it, for I have no recollection of it.

909. Was the matter alluded to by you when I had a conversation with you?—I think it was. I sketched out what I believed to be the papers which it would be desirable to include in the arrangement.

910. Was it to some extent understood that the *Southern Cross* should be included in the Association as the leading paper in Auckland?—I entirely failed to come to any understanding with you, except that we could not come to any understanding.

911. *The Chairman.*] Did you not subsequently join the associated press, under Mr. Barton's agency?—Yes, but under very peculiar circumstances, and not from any intention of Mr. Barton. I would say, simply, I believed in dealing with Mr. Barton I was dealing with a gentleman accredited by the *Otago Daily Times* to act in the matter, but I do not think he acted as a gentleman to me.

912. In what way did he not act as a gentleman?—I shall have great pleasure in stating most specifically, it was this. It is necessary to go back a little to understand the position I supposed myself to be in with Mr. Barton. A year or two before, or whatever the date might be that Mr. Barton came from Sydney, or wherever he came from, to be editor of the *Otago Daily Times*, he entered into communication with me as editor or proprietor of the *Lyttelton Times*, with the view of carrying out his ideas, as regards a press telegraph agency, these ideas being founded on the practice in force with the Australian papers, the foundation of which was that a leading paper in each Colony should combine together so as to be in a position to get the first and fullest telegraphic information. I was perfectly willing to enter into that arrangement, because, as must be very well known, to Mr. Vogel at any rate, and probably to some others here, there was a very keen opposition between the two papers in Canterbury at that time—an opposition which had been going on for several years; therefore, it was very obvious that any arrangement that could be entered into by which either one of the opposing papers could get the best telegraphic news would be very valuable. On that footing, several letters passed between Mr. Barton and myself on the subject, and I thoroughly understood that was the footing upon which any arrangement would be carried out—that is, I should have exclusive information as regards Christchurch. It was partly to carry out that view, and also partly because I thoroughly disbelieved, as a matter of political propriety, in the Government having anything to do with furnishing the press with news, I both publicly and privately urged upon the Government to give up interfering with the supply of telegraphic news to the public press. Mr. Vogel announced that the Government was quite indifferent about supplying the press, and that he was not satisfied with the way of carrying it out, and was prepared to give it up. This letter I received from him, I considered in the light of a private letter, and I considered I was on a sufficient footing of understanding with Mr. Barton to communicate to him the fact that, in the course of three months or so, the Government were going to give up supplying the press with telegraphic news; and I, in letters,—copies of which I have at Christchurch—urged upon him the necessity of at once entering into the field, and making arrangements upon the basis of the understanding conveyed in the correspondence that had taken place between us during several years. I got no answer to this

letter from Mr. Barton, for, perhaps, I should say, two months, and the time was approaching when the change would take place. I wrote again, and I got a letter stating he would be in Christchurch, as the directors of the *Otago Daily Times* had consented that he should make a tour of the Provinces with the view of inaugurating the service. He came to me and I had a long conversation with him, in which I was throughout impressed, and I remained impressed until he left me, with the idea that the service that was going to be performed was on the basis of a single paper in each Province joining. The terms on which he consented to carry out that service were not absolutely and distinctly fixed. I stated a certain sum, and Mr. Barton asked another, and the impression upon my mind was this, that Mr. Barton would go up to the North Island and see whether the northern papers would subscribe, and if they did so liberally I was to benefit by that liberality, as it was considered that I had been one of the originators of the arrangement. Provided the necessary funds for carrying out this arrangement could be raised in other parts of the Colony, I was to be treated very liberally; but, at the same time, I gave Mr. Barton to understand it was not a question of a few pounds one way or another, and if he came back unsuccessful in obtaining contributions, I should be prepared to pay a larger share of the expenses. He left me without in the slightest degree leading me to understand that he took a different view of the matter. Next morning I heard, to my surprise, that Mr. Barton had gone to the *Press* office, and told them I was not prepared to pay the amount asked by him, and if they would pay £200 a year they should have the telegrams, and I should have nothing to do with them. That information was first given to me by my clerk, who had been talking to Mr. Guthrie, of the *Press*. I saw that gentleman afterwards, and he said that which my clerk had told me was substantially correct. That led to further communications with Mr. Barton, and to a very lengthy correspondence; and it led also to a journey on my part to Dunedin, where I had two or three interviews with the Directors of the *Otago Daily Times*, and finally to a compromise between the *Press* and myself. In the meantime, Mr. Barton had left Christchurch and gone to Wellington, and entered into direct communication with Mr. Stevens, chairman and director of the *Press*, who was in Wellington, leaving me entirely in the lurch. I was engaged in telegraphing to Mr. Stevens, Mr. Barton, and the directors of the *Times*, and the ultimate issue of this was a visit on my part to the directors, who promised to go into the whole question, as between myself and Mr. Barton—a promise which they did not fulfil. But what they did was this, to send me a sort of offer of compromise, which, being utterly sick and heartily disgusted with the whole thing, I accepted. Both papers got the telegrams.

913. *Mr. Barton.*] You gave me the first intimation of the intentions of the Government, is it so?—Yes.

914. You considered you gave me the first intimation on the subject?—Yes.

915. Do you recollect the date of your letter?—No.

916. Do you recollect two circulars issued by the Government upon the same subject, which you must have received, as they were sent to all newspapers?—No. I am quite certain of this, which will perhaps be the best way to answer your question, that letter I refer to was the first intimation I received that there was any likelihood of the Government giving up supplying the press with telegrams.

917. How long was that before the Government system terminated?—About three months.

918. Do you recollect when the Government system terminated?—No. I am at a great disadvantage, because I have not got copies of my letters here, and they were written a considerable time ago.

919. Did it not terminate on the 3rd July?—I have no idea.

920. Did not the Press Association commence in August?—I have no recollection, but I could tell on reference to my letter books.

921. The first circular was dated 23rd March, the Government system terminated on the 31st July—that was four months' notice to the press. Now, do you think that your letter to me could have been written before the 23rd March?—I am quite sure of it—not from a knowledge of the date, but from the fact that it was the first intimation I received on the subject. It was before any circular was received, whether three, or four, or five, or any number of months.

922. With reference to our interview in Christchurch, did I leave your office without giving you to understand that the *Press* would be admitted in this arrangement?—Yes.

923. Do you mean to swear that I did not tell you what had passed between the *Press* and myself upon the subject?—You need not talk about swearing, I know I am on my oath.

924. Did I not tell you at the first interview what had passed between the *Press* and myself?—Certainly not. The first intimation I had of it was from my own clerk, who told me you went straight off from my office and entered into an arrangement with Mr. Guthrie.

925. Had we any communication on the subject of the *Press*?—We may have talked about the *Press*, but I never had the slightest idea that you were playing the *Press* off against me; that was the sole gist and burden of my complaint against you.

926. Do you not recollect indulging in a long tirade against the *Press* on that occasion, when you spoke of its system of dummy advertisements, its general conduct, and also the impossibility of its paying expenses?—I think it is exceedingly likely for this reason. I imagined, from the fact that I had been in correspondence with you upon perfectly friendly terms, that I was talking with a gentleman accredited from the *Otago Daily Times*, to deal with matters connected with my paper, and I think it exceedingly likely I indulged in what may be termed a good deal of confidential talk about newspapers. I have no objection to my memory being refreshed, for of course it is a long time ago. The system of telegraphic agency that was proposed to be established was one in which one newspaper in each Province should join, and in talking over confidential business matters, it is exceedingly probable I was foolish enough to say many things that I should never have said if I had understood you as well as I do now.

927. Was what you said with a view of preventing me from having anything to do with the *Press* in regard to these telegraph arrangements?—Certainly not. It never entered into my mind to conceive you would deceive me. If you had told me you were going to drive a bargain with me, I should have understood all about it.

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928. When I spoke about the *Press*, you burst out in a denunciation of it. I ask you whether the manner in which you spoke of the *Press* on that occasion was not wholly intended to prevent me entering into any engagement with the *Press*?—No, not in the least.

929. Did you receive any telegrams from me on the subject when I was in Wellington?—Several.

930. Did I not tell you in the first telegram I sent, the terms offered to Stevens, on behalf of the *Press*?—Yes.

931. Did I not leave it to you in the same telegram whether you would join at the same or a higher rate?—I believe you did.

932. With respect to the terms, did you not say in your office at Christchurch that you would not on any consideration give more than £100 a year.?—No.

933. Did you not grumble at the idea of £100 a year as being extravagant?—No.

934. Did you not say that if the Northern papers subscribed, your terms ought to be reduced below £100?—No.

935. Did I not send you more than one telegram from Wellington on the subject of negotiations with the *Press*?—I should say you sent me half-a-dozen.

936. In which I gave you the option of joining?—Yes.

937. Did you not send me one telegram stating that I had agreed to supply the *Lyttelton Times* with telegrams at £100 a-year?—Yes.

938. And that if I did not immediately confirm that agreement, that you would make a complaint to the directors of the *Daily Times*?—Yes.

939. Did you receive any answer to it?—I am not sure, but if you tell me whether you sent an answer and its terms, I could tell you whether you are correct or not.

940. I sent no answer. Then, you refused to join the Association in reply to any of those telegrams I sent, which gave you the option of doing so upon certain terms?—I believe I did.

941. Did I, when in Christchurch, arrange to supply the *Lyttelton Times* at £100 a year?—No, not at £100 a year. I will refresh your memory. I said I considered £100 a year was sufficient.

942. It was your maximum?—No, I considered it sufficient; but if on your journey to the North Island you found that the Northern papers did not, as we anticipated they would, agree to subscribe an amount sufficient to remunerate you or the *Otago Daily Times*, for the trouble you had, I was prepared on your showing me that, to bear an increased proportion of the expenditure. That was the arrangement I entered into with you.

943. Mr. Vogel.] You have referred to a letter you received from me?—Yes.

944. Have you got it here?—I am sorry I have not.

945. Do you recollect what its contents were?—I have stated generally my recollection of their nature to be this:—I must premise that my recollection of it is not very clear; but, generally speaking, I believe the purport of the letter to have been this. In answer to certain communications from myself, both of a private nature, and expressed through the columns of the *Lyttelton Times*, to the effect that it was very undesirable that the Government should continue to supply the press with telegrams, you wrote to me to say it was the intention of the Government, in the course of a few months, to give up supplying them, and that in the future it would be left free to the press generally to make its own arrangements. That, I believe to have been the main purport of the letter, and my memory now is still more refreshed by the recollection that the circulars referred to by Mr. Barton came after that letter, because I remember now, distinctly, that I received that letter before the circulars were written.

946. I will assist your recollection of the letter. My impression is that it was written in consequence of an article that appeared in your paper, very severely criticising the system, and the main object of the letter was to inform you that that arrangement you were criticising so severely was about to terminate. Did not I say in this letter that if the Government discontinued the system of supplying telegrams, the newspapers would still have to obtain them through some one in Melbourne, and the Government were not at all desirous to retain the same agent in Melbourne; but, on the contrary, if the newspapers that subscribed to the Government telegrams would subscribe amongst themselves, and employ some one in Melbourne, or take the *Argus* report, the Government would be quite willing to obtain such telegrams as they might desire?—I believe so.

947. Well, was not the whole tenor of the letter in the direction of its being necessary that all the papers should agree upon the matter?—I think so.

948. I did not indicate to you that plan which you afterwards submitted to Mr. Barton of taking one paper out of each town?—Certainly not. That was an arrangement that had been originated by Mr. Barton, and whether wise or not, I had from the first acceded to that arrangement; and I believed entirely that he came up to Christchurch to carry out that arrangement, and after receiving your letter I urged him to set about inaugurating that arrangement without delay, and no other.

949. My suggestions were entirely in the direction of a combination of the press?—I believe you have always been in favor of a combination of the press.

950. You went to Dunedin, Mr. Reeves?—Yes.

951. Mr. Barton stated in his evidence that one of the Directors of the *Otago Daily Times* thought that you had behaved exceedingly badly,—are you aware of any Director having that opinion?—So far from that being the case, I have mentioned I had lengthened interviews with the Directors—I think all of them were present—and they assured me in public at the Board table, that they sympathised very much with my position, and would see that I was righted in the matter; and in addition to that I am in a position to state that Mr. Murison, Mr. Gillies, and, I think—but whether that was in public or private I am not certain—Mr. Larnach, assured me that I should certainly be set straight, and I had their entire sympathy.

952. Did you have many communications with Mr. Barton after this affair, and while the Press Association was going on?—To the best of my belief I never had any further communication with Mr. Barton till to-day.

953. You received telegrams from Mr. Barton in Wellington?—Yes.

954. Do you recollect that Mr. Barton informed you of anything to the effect that I desired to obtain the telegrams for the *Southern Cross* for nothing?—No.

Mr. Reeves.

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Witness withdrew.

The Hon. Mr. Vogel examined on oath.

Hon. J. Vogel.

25th Oct., 1871.

955. *Mr. Barton.*] You stated yesterday with reference to regulation No. 6, that it was intended by Government not to apply to English mail press telegrams when sent by private agencies?—I have nothing to add to my evidence of yesterday.

956. With reference to the summary compiled for the Government by the officers of Customs—you produced a circular signed by Mr. Seed, and dated 20th August, 1870. Had the Customs' officers been instructed previously to send English summaries?—I think not. Copies of English press telegrams had always been forwarded to the Government.

957. Always had copies?—Copies of telegrams supplied by the Government were always sent to Ministers, not only in our time, but in that of previous Governments.

958. Was that done at the time that the instructions were given that the Government summaries should take precedence of newspaper summaries?—Instructions were given that a message to the extent of 100 words should be sent by the Collector of Customs. [*Circular to Collector of Customs, dated 20th August, 1870, read.*]

959. You were Commissioner of Telegraphs?—Yes.

960. Do you consider that that was consistent with the published regulations of the Department?—I considered that it was within my power.

961. You do not consider that a violation of the regulations?—No, I do not.

962. You will admit that there is nothing in the regulations to sanction it?—No, I do not admit anything of the kind. The Government have the power to give precedence to any urgent Government message.

963. Have the Government the power to supersede the regulations by an official circular?—No, certainly not.

964. Because it seems to me that those regulations exclude any right of precedence on the part of messages, whether Government or otherwise?—I explained to you yesterday that whilst the press by an association supplied news themselves, a great swindle took place. Intelligence of the Commercial Bank failure was entirely kept back for a day, and the Government then determined to provide that it should not be in the power of any one individual to monopolise the wires.

965. I believe the Government never published that intention, and never communicated to the press in any way their intention to give precedence to Government messages?—No, they did not.

966. Were you in Wellington on the 8th September of last year?—To the best of my recollection, yes.

967. Do you recollect the arrival of the English mail telegrams bringing news of the war between France and Germany?—Yes.

968. You are not aware of the detention of a telegram for the *Post*?—It is a perfect blank to my memory. I know nothing about it.

969. With reference to the conversation alluded to by Mr. Hart—do you recollect being in the *Independent* office at all on the occasion referred to?—I do not know that Mr. Hart spoke of any occasion.

970. Soon after the arrival of this telegram?—To the best of my recollection I was not in the *Independent* office about that time. I have never been in the *Independent* office with my colleague, Mr. Fox.

971. With reference to the Bluff telegram of 30th September, do you recollect when you made your first speech in Dunedin?—Yes.

972. Was it your intention upon that occasion to give a full explanation of the circumstances?—So far as I could. I had not, I believe, permission to state that the *Star* sent up the telegram to the *Independent*.

973. It was your intention when making that speech to give an explanation?—I believe so.

974. Your speech created the idea that you intended to give a full explanation?—I think my speech created the idea that I could not get a hearing until too late to speak.

975. You have alluded to the fact that after this speech was made the *Daily Times* declined to accept the explanation?—I did not say so. I said they had repeated their libel in an offensive manner.

976. Having regard to your subsequent explanation, do you not think that the *Daily Times* was justified in declining to accept the explanation given in the first speech?—I told you I never considered that the *Times* declined to accept the explanation. I considered the *Times* was guilty of gross slander, and it repeated its slander in an exceedingly scurrilous manner, because it added something personal at the same time that it repeated its slanders.

977. The morning after the speech was delivered the article in the *Times* simply stated that your explanation was unsatisfactory, and there was nothing scurrilous in it?—I am under the impression that it said that if Mr. Vogel was not able to give a better explanation than that it will lose him his reputation and also his office.

978. That is not scurrilous?—I told you already my opinion that when you withheld from your readers that the whole foundation of your charges was false, because you knew that the telegram was opened on board the steamer, the *Daily Times* was guilty of most dishonest journalism, and all its attacks after that were dishonest and slanderous.

979. If the *Daily Times* had accepted the explanation and withdrawn the charges, would it not have been incorrect in doing so? Was that explanation a satisfactory one?—Owing to the interruption I could not give a full explanation. I said "I simply desire to give an unqualified denial to the charge that the Telegraph Department purloined the message of one journal in order to give it to another, or any part of a message. The explanation of the whole circumstance is very simple. It is alleged that it was impossible the *Wellington Independent* could have obtained certain intelligence that

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had been sent to the *Otago Daily Times* from the *Argus* office, Melbourne. The person who had charge of the message for the *Independent* called at the *Argus* office before leaving Melbourne. He was personally acquainted with Mr. George, the manager: he received the information from that gentleman, and he afterwards furnished the information at Southland to the operator at the Telegraph Office, who forwarded it to the *Independent*. That is the simple explanation." Whether or not the purser was correct in saying he obtained the information from the *Argus* office was of no consequence in connection with your charge against the Government. That was effectually disposed of by the fact that the purser had written out the items and given them into the Telegraph Office. That explanation should have been satisfactory to you.

980. I think you said you had some communication with Mr. Bell of the *Evening Star*?—My impression was that I had.

981. Was that after your first speech?—I think before. I fancy so.

982. Did you not tell Mr. Bell on that occasion that the *Star* had sent the telegrams up to the *Independent*?—Yes, and that Mr. M'Kenzie would not give his consent to the facts being stated unless the *Star* was willing.

983. Was he aware of that?—He was very much surprised to hear it. He was surprised he had not heard it before.

984. It was in consequence of your communication to Mr. Bell that the article appeared in the *Star*?—It is very likely that it was so. Mr. Bell said he was quite surprised to know he had anything to do with the telegraph case. He said persons were in the habit of telegraphing in the name of the *Star* to other papers, and he said he would inquire into the matter.

985. Did you ask Mr. Bell to publish that leader in the *Star*?—Most emphatically no. I asked Mr. Bell to give me permission to state that the *Star* had sent up the telegram to the *Independent*. I was surprised to see the article, and would have much preferred a simple permission to make a statement. In justice to Mr. Bell, I will say he thought he was acting for the best in making the explanation. I did not know then that the *Star* had copied out the *Daily Times* telegram. I thought the *Star* had cut out a slip from the *Daily Times*. I may say that Mr. Strode, in the Resident Magistrates Court, said he considered telegrams that had been published public property, and it may therefore be considered that Mr. Bell did not do wrong in copying the telegram from the *Daily Times*.

986. When did you first know that the *Star* had sent the telegram up?—Before I left Wellington to go to Dunedin I asked Mr. Lemon for particulars about the case with the view of making an explanation in Dunedin, and then Mr. Lemon informed me that such was the case.

987. Immediately before?—I do not know how long. I was not long in Wellington before I left for Dunedin.

988. You produced a letter from Mr. M'Kenzie, dated 6th December, in which he declined to state the source from which he received the telegram—did you know it before this?—At my request a letter was written to Mr. M'Kenzie, asking him for permission, but he did not answer that letter until after I had left. In the meanwhile, to the best of my belief, he had told me personally he could not give permission without the consent of the *Star*. The letter from Mr. M'Kenzie was written after I left Wellington.

989. You recollect the explanation given in the *Independent*, in which it was said that the telegram was received from their own agent in Melbourne?—I know nothing about the explanations in the *Independent*. My impression is that you are entirely wrong in assuming they were official explanations. I was away from Wellington at the time.

990. Did you never communicate any article on the subject to the *Independent*?—No.

991. Or any materials for an article?—No. I take this opportunity of saying that to the best of my recollection, since I have been in office, I have only written one article for the *Independent*, and that was about the Californian mail service.

992. There was an article in the *Independent* alluding to the failure of the Commercial Bank; was not that article yours?—To the best of my belief, no. If you will show me the article I will tell you. [Copy of *Independent* containing the article produced] I swear I did not write that article.

993. There was an article in the *Independent* on 6th October, threatening me with a prosecution?—I was away at the time.

994. Have you any reason to believe that article was communicated by any member of the Government?—No reason whatever.

995. You stated yesterday that the Government did not intend to prosecute me; that the prosecution was suggested by Mr. Haggitt, but as he was not instructed until January, how could that be?—I am afraid no one thought about you; at least I did not, Mr. Barton.

996. Is it not a fair inference that the Government intended to prosecute me in October?—I do not think I read the articles at all, I was taking a holiday in Auckland, and I took no interest in the matter until I was going to Dunedin. We did not think anything of leading articles published in opposition papers, they troubled the Government very little.

997. Is it usual for Ministers to enter the operating room of the Telegraph Department?—Very unusual. I believe I have on one or two occasions at Nelson, when there was no other room for writing telegrams, and I wrote two or three telegrams there. I visited the operating room in Dunedin once with some officers of the General Government, with the view of seeing whether I could make any alteration in the disposition of the Government offices.

998. Is there anything in the regulations to prevent the intrusion of Ministers into the operating room?—I don't know anything to prevent Ministers specially.

999. Are manifold copies of any press telegrams supplied to Ministers?—I do not know of any manifold copies being supplied to Ministers, except by direction of the person to whom the telegram belonged—excepting in the case of the Timaru message.

1000. Was that a departure from the usual practice?—Entirely so.

1001. Was there anything to warrant the General Manager in offering to supply that telegram to a Minister. Is that the only occasion upon which anything of the kind has been done since you have

been in office?—I told you I know of no other occasion on which a telegram was supplied to the Government without the consent of the person to whom it belonged. Occasionally, I think once or twice, messages have been submitted to a Minister to know whether they should be sent or not, on account of their containing words which came within the supposed scope of the regulation objections. Hon. J. Vogel.
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1002. You deny that you had any animosity towards me in this matter. Is it not the case that you were the author of a series of articles in the *Star* and *Sun* attacking me?—Shortly after you arrived in Dunedin, you inserted an article in the *Daily Times*, to which I believe a reply appeared in the *Evening Star*—that is, to the best of my recollection. Subsequently, some very offensive paragraphs appeared in that paper about you. I wrote to you specially, telling you—since somebody supposed I had written them—that I had not done so. I received from you a note in reply, to the effect that you could not believe that I had written them. You ended with a kind of threat, you would not be opposed to me, and you would not write against me unless you found that I was hostile to yourself. In the *Sun*, several articles appeared, but not of a personal nature. I believe they ridiculed what you were writing about New South Wales and Queensland, when you were in New Zealand.

1003. I allude more to the public opinion in Dunedin, that you were the author of those attacks, and were animated by animosity towards me in the prosecution?—I have quite enough to think about, Mr. Barton, without occupying my thoughts upon unnecessary matters.

Examination of Mr. Vogel closed.

Charles A. Tipping, examined on oath.

Mr. Tipping.

1004. *The Chairman.*] You were telegraph operator at the Bluff in September, 1870?—Yes. 25th Oct., 1871.

1005. Do you remember any telegram being handed to you for the *Independent* newspaper?—Yes, I do.

1006. Who was it handed in by?—It was given to me on board the steamer on the night the steamer arrived, the 29th September.

1007. By whom?—By the purser, with the loose letters.

1008. Was the telegram sealed?—It was not sealed, it was closed.

1009. It was in a gummed envelope?—Yes.

1010. When did you forward that telegram?—On the morning of the 30th.

1011. What telegram did you forward that morning before the one to the *Independent*?—One to the Government.

1012. Who gave you that one?—Mr. O'Toole.

1013. At what time did he give it to you?—When the office opened.

1014. In the morning?—Yes.

1015. The second one was for the *Independent*?—I do not recollect. I believe I forwarded the Association telegram to the *Daily Times*, in Dunedin. I believe I forwarded part of that first, but I cannot exactly recollect.

1016. At what time did you receive the Press Association telegram?—When the office opened.

1017. You don't remember which you sent off first?—No, I cannot recollect. To the best of my belief, I forwarded the Association telegram first.

1018. You have sworn before Mr. Strode that you did send the Press Association telegram first?—Yes, I did.

1019. I think you got the *Independent* one the night before?—Yes, I merely got that as Postmaster, when going on board to receive the loose letters.

1020. Have you any instructions to forward Government messages when the English telegrams arrived, or had you at the time to give precedence to Government messages before those of the Press Association?—Yes, I had instructions. I had to give precedence to the Government.

1021. Were those written instructions?—Yes.

1022. Any Government message in connection with the arrival of the English mail?—The instruction did not state any Government message, they applied to the English mail.

1023. What was the purport of the instructions?—I do not exactly remember; I believe it was to give precedence to telegrams handed in by the Collector of Customs at the Bluff.

1024. When you telegraphed to the *Independent*, did you add any information to that which was conveyed in the telegram you got from the purser?—I added nothing, I only sent what was given to me.

1025. I am speaking of the closed telegram directed to the *Independent*, you added nothing to that?—Nothing.

1026. This was the telegram that was handed to you, will you show in what part of it you find these words "France declared a Republic"?—I do not see any words to that effect in this.

1027. You have just sworn you sent nothing up but what was in that telegram?—I added nothing but a piece of paper that was given to me by the Purser, Mr. Mailer. I did not add anything myself. I attached the piece of paper to the telegram and sent it.

1028. I do not understand what you mean by "paper" being sent by telegraph. You have already sworn you added nothing to the sealed telegram—to the enclosed telegram to the *Independent*. In the telegram received by the *Independent* through your agency as operator, the words "France declared a Republic" appear, is that consistent with your saying you added nothing?—What I mean by saying that I added nothing is that I did not supply it.

1029. You did not supply any information except what the sealed telegram gave you?—I sent some information; I did not supply the information myself.

1030. Are not you the operator,—and you have already stated you sent nothing but that which was in the sealed telegram for the *Independent*?—I sent something more.

1031. You did not invent the words "France declared a Republic"—you got them from some person?—From Mr. Mailer the Purser of the "Gothenburg."

1032. You included them in the telegram to the *Independent*?—Yes, I did.

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1033. You first said you had not done so. Did Mr. Mailer tell you to send it to the *Independent*?
—No, he did not.

1034. What did he tell you?—He handed me a slip of paper, and asked me if I would send what was written on the paper. He did not mention any name or where to send it—he merely asked me if I would send it for general information.

1035. He authorised you to make any use you liked of it.—He did not make use of those words, he simply asked me to send it for general information.

1036. Leaving to you the discretion to whom you would send it, and you sent it only to the *Independent*?—Yes.

1037. Had you any special reason for sending it only to the *Independent*?—No special reason.

1038. *Mr. Lemon.*] About what time did you get the telegram from the Purser for the *Independent*?
—As soon as possible between half-past nine and ten on the night of the 29th.

1039. Which did you get first, the telegram for the *Independent*, or the piece of blue paper containing news (document marked A)?—I got the sealed telegram first, with the loose letters.

1040. How soon after did you get the blue paper?—Immediately.

1041. Of course you understood by that it was to be added to the telegram [The Chairman objected to the question, and ruled that it should not be put.]?—Mr. Mailer did not ask me to add it to any paper.

1042. *The Chairman.*] He gave it for general information, and you confined that information to the *Wellington Independent*?—Yes.

1043. *Mr. Lemon.*] When was the *Daily Times* telegram given you for transmission?—Next morning, when the office was opened.

1044. When did Mr. O'Toole give you the telegram for the Government?—When the office opened on the morning of the 30th.

1045. Was it given before you got the telegram for the *Otago Daily Times Association*?—Well, there was scarcely any difference, I had the telegram for the *Daily Times* in my hands first—there was scarcely any difference.

1046. Both at the same time?—Yes.

1047. There would not have been time to have read the *Otago Daily Times* telegram, and have given any information to Mr. O'Toole out of it?—No.

1048. *The Chairman.*] When you say two telegrams were given to you at the same time, there must have been a difference of time in receiving the telegrams, even if two people were standing at the window together. Was it the case that they were thrown in together?—No, that was not the case, they were handed in.

1049. You had general instructions to give precedence to information from the Collector of Customs to the Government?—Yes, I had.

1050. Did you see Mr. O'Toole between the time of your getting the telegram from the purser, and the time at which he presented the Government telegram to you?—No, I don't think I did—as well as I remember, I went to bed that night immediately after I got the telegram.

1051. You did not see Mr. O'Toole until he handed the telegram to you next morning?—No.

1052. Did you mention anything about the news to him in the morning?—No, certainly not. I was in the office.

1053. Did Mailer give you to understand, when he gave you that information on that piece of blue paper, that the information was for the benefit of the public, did he make use of that expression?—I cannot remember what the words were, he made use of something to this effect—would I send what was written on that paper for public information, or something to that effect; I forget the words.

1054. *Mr. Lemon.*] Do you recollect getting instructions from me while the Government was in the habit of supplying telegrams, to get from the purser the report and list of passengers, and to add that to the telegrams?—Yes, I do.

1055. Had you always been in the habit, after that order, of adding the information that the purser gave you?—I added the report and passenger list to the telegrams supplied to the Government.

1056. *The Chairman.*] The general instructions from Mr. Lemon were to add the passenger list and report to telegrams of news sent to the Government?—That was when the Government were supplying the news, and not when the agents were doing so. When the agents themselves supply the telegrams, it was their business to get the passenger list and report.

1057. Had you any instructions to send the information to the *Independent* only?—No, I had not.

1058. *Captain M'Pherson.*] If you had no particular instructions to send it to the *Independent* alone, had you any reason for doing so?—I believe the passenger list and report were supplied to both the *Otago Daily Times* and the *Independent*, and perhaps the piece of paper was pinned to the *Independent* telegram, and if you refer to both you will very likely see that it is so.

1059. *Captain M'Pherson repeated his question.*]—I had no particular reason for sending it.

1060. Had you any particular reason for withholding it from other persons or papers?—No, none whatever.

1061. Can you explain why you sent these words to the *Independent* alone?—Yes, I can to a certain extent. After receiving the telegram for the Press Association I looked over it in the office before sending it. I saw that it was the latest news; then seeing, in fact, the news was contained in the Association telegram, I did not see the good in sending it twice. These were my reasons for sending it to this paper only.

1062. *The Chairman.*] Did you believe that every paper except the *Independent* was in the Press Association?—No, I knew very well that every paper did not belong to the Association.

1063. You said you did not think it necessary to send it twice to papers in the Association?—To the papers that the Association telegram was addressed to.

1064. That is very natural, we can understand that of course. The Press Association having got the news there was no use repeating it. But there were many other papers not in the Association, why did you not send the news to any of them?—No telegrams were handed to me for those papers.

1065. Was the *Independent* the only paper for which a telegram was handed in, except for those in the Press Association?—Yes. Mr. Tipping.

1066. Mr. Rolleston.] Mr. Mailer did not give you that information to send to the *Independent*? 25th Oct., 1871.
—No, he did not mention any name.

1067. Have you any interest at all in communicating with the *Independent*?—No, not in the slightest.

1068. The Chairman.] Have you been in the habit at other times, either before or since, of sending exclusive information to the *Independent*?—That is the only occasion I ever attached anything to a telegram as far as I can remember.

1069. Mr. Rolleston.] That is the only occasion?—Yes, the only occasion.

1070. Don't you think it a questionable proceeding to read telegrams of the Press Association with a view of seeing whether you were sending double information or not to the *Independent*?—I simply looked over it, but not with that view.

1071. You would think that a wrong thing to do?—I simply read over the telegram because perhaps some words might be indistinctly written.

1072. It seems to me that the evidence given is open to a construction that shows a state of things that should not be. No operator has any right to form an opinion upon telegrams that are passing through his hands, or to compare telegrams passing through his hands?—I did not read it with that view, but perhaps it might be taken in that light.

[Mr. Lemon explained to the Committee that it was a usual practice for the operators to read a telegram through before commencing to send a message, so that they might be able to telegraph it without interruption, owing to words being indistinctly written.]

1073. Mr. Barton.] You stated in your evidence in Court at Dunedin that the first message was that given in by Mr. O'Toole, the next 200 words were for the *Wellington Independent* and so on alternately with the Press Association?—Yes, that was the way in which I believe they were transmitted.

1074. Was there any telegram sent before those messages were sent?—No, none whatever that morning.

1075. Did either of the Southland papers, or any agent of those papers, obtain possession of the wires first?—No.

1076. If it were stated in evidence that the *Southland Times* was telegraphing news first on the morning of the 30th September, would it be correct. Were they telegraphing anything from the Bluff before the messages alluded to by you?—No.

1077. Do you recollect whether Mr. O'Toole was in the operating room with his telegram?—No, nobody is allowed in there.

1078. Had he any opportunity of seeing the Press Association message?—Not after it came into my hands.

1079. Nothing passed between you in reference to the subject?—No, not a word.

1080. Did you see Mr. Nichol on the night of the 29th, when he asked you if you could send a message?—Yes.

1081. Did he hand you any message then?—No, he did not.

1082. When did you receive it from him?—On the morning of the 30th.

Mr. Tipping withdrew.

Mr. Lemon examined on oath.

Mr. Lemon.

1083. Mr. Barton.] Will you explain how it was that telegrams addressed to the *Post* on the 8th September, 1870, were not delivered to that journal that night?—I can, but would rather leave it to the evidence to bring it out, as my evidence will be second hand. 25th Oct., 1871.

1084. Will you state the facts?—I think it was about 8 o'clock on the evening of the 8th September that I received a telegram from Mr. Furbie, telegraphist at Hokitika, stating that the "Tararua" was signalled, but that the tender would not be able to go out to her before 11 o'clock that night. The news was telegraphed from the ship to the shore, "War between France and Prussia," and of course the newspapers got a little anxious. Mr. Gifford, of the *Evening Post*, called to see Mr. Smith, the telegraphist, that evening, and it appears that he asked him when it would be likely for the summaries to come, and Mr. Smith told him that from the information he gathered it would be about 11 p.m. He also asked Mr. Gifford at the same time whether he would have the telegrams slip by slip or altogether. [Mr. Lemon read memo. by Mr. Smith of the occurrences in connection with the receipt of this telegram.]

1085. Was it understood that the telegrams were to be detained by direction of the *Post*?—Yes. The Committee adjourned.

FRIDAY, 27TH OCTOBER, 1871.

Present :—

Hon. Mr. Stafford in the Chair.

Captain McPherson,
Mr. Rolleston,
Mr. Steward,

Hon. Mr. Vogel,
Mr. Webster.

Mr. John White, M.H.R., examined, on oath.

Mr. J. White.

1086. The Chairman.] You were agent, I think, for the Press Association at Hokitika in September, 1870?—Yes. 25th Oct., 1871.

1087. Do you remember sending English mail telegrams in that month to the *Evening Post* and *Hawke's Bay Herald*?—I may say I am not very clear as to date. I was agent at Hokitika for the Press

Mr. White.
—
27th Oct., 1870.

Association during its existence. I remember the time when dissatisfaction was being expressed in some of the papers as to the *Wellington Independent* getting its telegram before the *Evening Post*. I recollect that circumstance very well. The telegram for the Press Association was, on the occasion alluded to, handed in at least three-quarters of an hour before the other, to my own certain knowledge.

1088. How did you know that?—After I handed in my English mail message I remained in the Telegraph Office for a long time, writing Australian and local telegrams, and looking over the duplicate copies. I was there for at least three-quarters of an hour when Mr. Royse, the agent for the steamer, came into the office and brought in several telegrams. He showed me one for the *Independent*, and said, "What shall I do with it?" I said it had nothing to do with me, because the *Independent* was not connected with the Press Association; and he then handed it in with several other telegrams. I am perfectly sure it was three-quarters of an hour after I put in my telegram.

1089. Have you any knowledge in respect of any of the charges made against the Telegraph Department?—No. Once or twice when I have been at the Telegraph Office I have seen the Collector of Customs in the operating-room, and I was given to understand he was sending a message to the Government. I may say that my message, throughout the period of the agency, was always first, excepting in the last month, when the Press Association was about to give up; on that occasion I did not exert myself much, and Greville's Agent got to the Telegraph Office before me.

Mr. White withdrew.

Mr. Gifford.
—
27th Oct., 1871.

Mr. Francis Gifford examined, on oath.

1090. *The Chairman.*] Mr. Barton has named you, amongst others, as being able to give evidence in support of charges he has made generally against the management of the Telegraph Department, and he has expressly referred to the telegram sent to the *Evening Post* on the 8th September, 1870, from Hokitika. It has been stated in the public press that it was delayed until after the telegram for the *Independent* had been despatched. Will you state your knowledge of the circumstances; and also anything which, so far as you are aware, appears to reflect generally on the management of the Department?—On the 8th September a telegram was put in at Hokitika some time in the evening. When I heard of the arrival of the English Mail at Hokitika, I kept going backwards and forwards to the Telegraph Office until at last I got tired of waiting, and employed a man to sit up at the Commercial Hotel.

1091. Did you inform the Telegraph Office?—I did. I don't recollect whom I told, but I told some one of the arrangement I had made. I told them that McFee would sit up at the hotel, and waken me as soon as the message came. I said we intended to get out an extra next morning. Next morning when I got up, I found that nothing had come for me; I went to the Telegraph Office and saw Mr. Smith, and he handed the message to me all together, in an envelope. I said something to him about not getting it before, and to the best of my belief he said we had no business to get it until after the usual hours for opening the office. He said they had worked in their own time to take it, to keep the wires clear.

1092. You are sure it was handed to you?—Yes.

1093. The receipt is signed by Mr. Blundell?—They send the receipts up to the shop afterwards to be signed.

[The Chairman drew the attention of the Committee to the fact that the hour in which the telegram was received was not noted on the receipt form.]

Witness.—They never were particular in asking for money or receipts, in order to facilitate matters, and that was done in this case. I was quite satisfied with Mr. Smith's explanation at that time, although I think the *Independent* got its message out before us, but I am not quite sure about that. Some nine or ten days after I saw Mr. Arnot, of Greytown, and he told me that the message was finished at Greytown either a few minutes before or after 2 o'clock in the morning. I afterwards discovered that the *Hawke's Bay Herald* had also got it in the early morning.

1094. How did you discover that?—It was contained in the usual issue of the paper, and they must have had it about an hour or two before the paper was published, in order to set it up.

1095. Have you any exact information of the hour at which the paper came out that morning?—I suppose it came out at the usual hour.

1096. It was not a daily paper?—No, not at that time.

1097. The whole question rests upon two points; first, whether the operator was aware that you had a man waiting to receive the telegram at any time during the night; and secondly, whether that man made his appearance and asked for it during the night?—I don't think so, but the man can be procured and examined.

1098. Did you say the man was to apply?—He was not to apply at all; he was to wait in a room in the Commercial Hotel, and I told the message-boy that, but I cannot be sure to whom I spoke.

1099. Did you think the message-boy entitled to make regulations outside the Regulations?—I know that on previous occasions I have told them where to bring a message to me. The impression upon my mind was that the arrangements I made were complete. The man was to sit up all night.

1100. Is there anything else you would like to state? Reference has been made by you to a letter written by Mr. Halcombe?—Yes. I had that letter in my possession for several weeks. I published some extracts from it in the *Post*, and I challenged the *Independent* to deny them, as they said no such letter had been written. I asked them to call in at the office of the *Evening Post* and see it. Mr. Halcombe came, and said it was his writing, but he had forgotten all about it. I afterwards gave it back to Mr. Barton.

1101. How did you come to have a letter addressed to Mr. Barton in your possession?—I think Mr. Barton gave it to Mr. Gillon, who gave it to me. We had it between us for a long while, until Mr. Barton sent for it because he wanted it for the trial.

1102. *Mr. Webster.*] The accusation which you make against the Telegraph Office would be non-delivery of the telegram—not the fact of its not being forwarded in due time?—Yes; they are supposed to forward it.

1103. Do you know when it arrived in Wellington?—It went in at Hokitika at 10.15 at night—that was marked upon the telegram—and seems to have arrived at Wellington at about 2 a.m.

1104. *Captain McPherson.*] You are not quite sure it was sent off at 10.15?—It must have been, for it went to places beyond Wellington by half-past 2.

1105. *Mr. Webster.*] What excuse was given for non-delivery from the office?—At that time it did not come to an accusation, although we ought to have had it sooner. It looked as though our message had been kept back to favour the *Independent*.

1106. That might hinge, to some extent, on your bad arrangements as well as theirs?—No; I do not think it; they knew where to send the telegram.

1107. *Mr. Rolleston.*] You are not certain with whom you made an arrangement at the Telegraph Office?—No; but I know it was somebody quite competent to carry it out; and Mr. Lemon and all at the Telegraph Office were very obliging.

1108. Are you quite certain that you did not say that you would prefer to receive the telegram complete instead of in slips?—I certainly made no such arrangement. Why would I keep the man up all night if such were the case?

1109. You were prepared to receive it in slips of 200 words?—Yes, as it came, I never heard about the 200 words at that time—that was a subsequent affair.

1110. You are quite certain you never authorized the telegram to be delayed until 7 o'clock in the morning?—I am quite certain on that point. Whatever I may have said about having it altogether, I am quite certain I never authorized it to be detained.

1111. *Mr. Lemon.*] You sometimes sent for telegrams yourself?—Did you not keep runners?—Yes, in the day-time.

1112. At night-time too?—No, not at that time.

1113. You acknowledge the fact that when an English mail has been on the wires, and the telegram was coming slip by slip, you have kept runners going?—Yes.

1114. On the night that these telegrams arrived at Hokitika, can you recollect the time at which you came to the office?—I cannot recollect the hour.

1115. You cannot recollect who it was you spoke to?—No, I spoke to Mr. Smith in the morning.

1116. Supposing we could bring evidence to prove that you spoke to Mr. Smith that night, you would not be prepared to say that it was not correct?—I could not deny having spoken to Mr. Smith, but I can state what I said.

1117. Whoever it was you spoke to, did they ask you whether you would have the telegram in slips or when it was all finished?—That I do not recollect. I think I would have taken it in slips, considering that we were going to sit up in order to have an extraordinary out very early in the morning. The telegram was finished hours before I got it. If it would satisfy the Committee that I did keep the man up, I may say I saw him yesterday, and he remembered the circumstance, and denied that he had gone to sleep. The landlord of the hotel might also be called to prove what I have said.

1118. *The Chairman.*] I do not think it is disputed that you kept a man up; in fact, it does not bear so very much on the case, because it was simply an arrangement you made with the office, unless you arranged that the telegram should be sent as soon as received and was not sent until 7 o'clock? You are not positive, it appears, whether you authorized them to send it in slips or not?—I do not like to say that positively.

1119. If you had made no arrangement at all, do you consider they would have been bound to send it to you in slips?—Yes. I think they would at any other time, but they said they received that telegram in their own time, between 8 o'clock p.m. and 8 a.m., and Mr. Smith told me I had no right to complain before 8 o'clock in the morning: that was the impression left upon my mind.

1120. That is a question of the instructions the operators have. If the Government gave instructions, as I know they have done, that operators should work outside the usual hours, for the time that those instructions lasted there were no such things as office hours?—I was satisfied at the time with the explanation that was given. It was after the bickering began, and when I heard from Mr. Arnot, that he had got his telegram at 2 in the morning, that I thought it was not all right.

1121. Previously to that, had they been in the habit of delivering telegrams in slips?—Yes. I think that telegram was only the second or third one we had received from the Association. We generally got the telegrams supplied by the Government in slips, for they were very long.

1122. Did you ever get them after office hours, between 8 p.m. and 8 a.m.?—I cannot recollect.

1123. Or from the Press Association, between those hours?—We had received only one English Mail telegram, and that came on the 14th August. There is one thing I would like to say, that although I have written a good deal against the Government, it is only just to state that I make no complaint against Mr. Lemon, and from him I have always experienced fair play and fair dealing.

1124. There is no accusation against Mr. Lemon personally?—No; but as I have written a good deal against the Department, I wish to make that statement.

Mr. Gifford withdrew.

Mr. E. T. Gillon, examined on oath.

1125. *The Chairman.*] Will you state to the Committee any fact or circumstance within your knowledge which affects the management of the Telegraph Department?—Yes. I should like to state a good deal connected with the circumstances out of which the libel case arose.

1126. Do you know anything not contained in this pamphlet (*Regina v. Barton*)?—I cannot say I have read that pamphlet. I have read the reports in the *Otago Daily Times*. I was editing the *Evening Post* at the time the thing occurred, and therefore was more immediately acquainted than anybody else with the facts.

1127. State what you believe you know?—On the morning of the 30th, about a quarter past 8, I went down town, and found that the mail had arrived at the Bluff, on the previous night, in the "Gothenburg." As soon as I heard this, I went down to the Telegraph Office and asked when the

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summaries would be received. The answer was, that the Bluff Office opened at 9 not 8, and until that time they had no communication with the Bluff. At 9 o'clock I went to the Telegraph Office, and was told that the messages were coming. I went up the town, and met a person who told me he had just parted from Mr. Gisborne, who had received a telegram announcing the capture of the Emperor of France. I went again to the Telegraph Office to try and get our message, and a little after 10 o'clock the *Independent* issued their "Extra," containing the statement of the capture of the Emperor. I think the words "Received through the courtesy of Mr. Gisborne" were on it. It was very short. Some time after 10 o'clock I received the first slips of our message, dated at the Bluff at 9 o'clock. The *Independent* published the extra received from Mr. Gisborne, and later in the day another containing not only general English news, but also an Australian summary that followed the English news, which showed that their message was completed. We did not I think publish our message until the ordinary issue, a little before 5 o'clock, or perhaps a little earlier than usual that evening. When our message was in type and being made up into columns, we found we had four lines too much to fit the column, and Mr. Blundell, the proprietor, who was making up the paper, asked me what four lines I could take out of the English summary, as not being important. I pointed out four lines referring to the reserve of notes and bullion in the Bank of England. I did not think they contained anything of interest to Wellington, and therefore they were left out; they were not printed with the *Evening Post*. The following morning the *Independent* appeared in its ordinary issue with a reprint of the news, but not quite a reprint of its own "Extra." It was a reprint really of what had appeared in the *Evening Post* on the previous night; but those four lines, which had not been printed in the *Evening Post* of the previous night appeared in the *Independent* of the following morning. A considerable portion of its own "Extra" was put aside. We at once come to the conclusion that a copy from our telegram had reached the *Independent* in some way, for the four lines that had not appeared in the *Independent* of the previous day, or in our paper, appeared in the *Independent* of the following morning.

1128. Was that on the 1st October?—Those four lines appeared in the *Independent* of the 1st October. That was one of many simple circumstances that pointed, in the minds of every one connected with the *Evening Post*, and every one to whom we spoke on the matter, to the facts as we supposed them to be at the time.

1129. Is there anything else, Mr. Gillon?—At the time that Greville's Agency was running against the Press Association, a system was introduced to break off each English message at 200 words. I frequently remonstrated against this to the officers of the Department, as being utterly illegal, and I protested against it both publicly and privately. I believe that that was really one of the great causes which led to the breaking up of the Press Association. The charges for the Press Association were much higher than those for Greville's Agency. Newspaper proprietors complained that they were paying as high as they were previously and were deprived of the right of priority in the receipt of messages. Generally, I have employed the telegraph I believe to a larger extent than any man, not a Minister, in the Colony, and from the whole of the officers of the Telegraph Department I have never received anything but courtesy and attention. So long as I had to do merely with the officers of the Department, I had no cause whatever to complain; but whenever a message was referred to Ministers, I never got a satisfactory answer.

1130. What do you mean by that? What do you mean by a message being referred to Ministers?—Anything being referred to Ministers. If I had to deal with Mr. Lemon about any matter in his power to settle, I managed to do it satisfactorily; but when a matter was referred for the consideration of Ministers, I do not think I ever received a satisfactory answer.

1131. Mr. Webster.] Give the Committee an instance?—There have been many instances in connection with the Press Association a year ago. It is very hard to remember any particular instance, and I do not think I can.

1132. That is rather vague; cannot you give one?—Several matters were referred to Ministers. From every officer of the Telegraph Department I received every facility in conducting business.

1133. I want you to give one of the unsatisfactory references to the Government you refer to?—I do remember one. When Mr. Barton was up here, he suggested that a reduction should be made in favour of the Press Association for messages forwarded after the ordinary telegraphing hours so as not to block the wires. I was left by Mr. Barton to manage certain things, and I was rather in a dilemma. Certain papers had joined the Press Association on the understanding that a reduction would be made in the telegraph charges. I saw Mr. Lemon, and he said he had recommended that a reduction should be made. I wrote to ask for a more definite reply, and a day or so afterwards I received a reply stating that my letter had been forwarded to the Minister, and from that day—upwards of twelve months ago—I have never received any answer.

1134. Did you wish to have the 10 per cent. knocked off?—Yes, if sent after ordinary hours I was left in a very awkward position. Believing that arrangement would be carried out, I had induced some papers, one of which was the *Wairarapa Mercury*, to join.

1135. In fact, you held it out as an inducement to the papers to join before you had an answer to your letter?—When it was not carried out, I wrote to know whether it would be carried out or not.

1136. The Chairman.] The Committee cannot place upon record simple vague charges, but only something specific: there are a great many charges of an indefinite character against the Telegraph administration, and especially with respect to Ministerial interference with it. The Committee is determined to investigate every charge where names and dates are given, so that they can probe it, but mere general statements the Committee will not entertain. A man may express his opinion that he has no confidence in the Department, but the Committee expects him to give some grounds for his opinion?—We had reason to suspect that the Government were in the habit of seeing press telegrams forwarded to us. When a message arrived from the Press Association for the *Evening Post*, in time to be published in that evening's issue, the telegram was usually written on thick paper, i.e. on ordinary telegram forms. It very frequently happened, and it was a subject of remark in our office, that when a telegram arrived late at night, and could not be published for fourteen or fifteen hours, it was written on flimsy tissue paper, which is used when several copies are taken; that was a subject of very general remark in

our office. I inferred from it that another copy had been taken, for some purpose or other, which I believed was sent to the Government, but I do not think it was sent to other papers. That is my impression.

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1137. Is that the whole ground you have in support of that belief—the fact of one being on copying paper, and the other on thick paper?—One of a large number of simple facts which pointed to the conclusion we arrived at. There is one other thing which I don't know whether Mr. Gifford mentioned or not, and I don't know whether it relates actually to Ministers, for it may have been done by some very zealous clerk. Last Session there was some little dispute in the House about Dr. Pollen's resignation, and Mr. Fox made a certain statement, and the *Post* published the two statements side by side. I sent a telegram to a journal for which I was acting as agent, stating "The *Post* convicts Fox of falsehood *re* Pollen's resignation," or something to that effect; I have not seen it since I wrote it. I sent it down to the Telegraph Office by Mr. Gifford, and it was brought back to him because it was refused to be forwarded. It was a simple statement of what appeared in the *Post* that night.

1138. To whom was the message sent?—I think to the *Chronicle*, Wanganui, but I am not quite certain. Mr. Gifford took it down from the gallery of the House for me, and he altered it so as to overcome the scruples of the telegraphist, and it was forwarded. I do not know how it was altered, because I have never seen the message since.

1139. Are you aware of the ground of refusing to send it?—I am not. From what Mr. Gifford told me, which of course is second-hand evidence, I understood the ground to be because it accused a Minister of falsehood.

1140. Mr. Webster.] In every instance in which you had to deal with officers of the Department, you were perfectly satisfied with the attention, courtesy, and justice you received; but in every instance you had to do with Ministers it was eminently unsatisfactory. I ask you again to give instances of any references made to the Government in which the results were unsatisfactory to you. You have given us one—that is the suggestion about the reduction of 10 per cent. Are there any other instances in your mind?—There have been several instances, but as it is twelve months or more since I had anything to do with the practical management of telegraph business, I cannot at the present moment recall any to my recollection. The impression upon my mind was, that it was utterly useless to refer anything to a Minister.

1141. What grounds had you for that belief?—I do not remember the specific conversations I had with the officers of the Department or Mr. Lemon; but probably at the time I had ground for that belief.

1142. Mr. Bathgate.] Did you ever make any reference to a Minister about the 200 words restriction?—No; I do not think I ever did. I pointed out through the press the injustice done by that restriction, and also that it broke the Regulations.

1143. The Chairman.] How was it that these references to Ministers were always unsatisfactory to you? Do you charge Ministers with improper ministerial influence with the Department, or merely a refusal to accede to your suggestions and requests?—My own impression is that Ministers would not consider anything favourably that came from me.

1144. Admitting that to be the case, you do not charge them with any improper Ministerial influence in violation of the Regulations?—No.

1145. It was merely a question of discretion as to whether they should comply with your requests or not?—Merely that they would not consider a question upon its merits at all, on account of a prejudice against me.

1146. Mr. Webster.] What are the facts that justify you in believing this. The 10 per cent. reduction was one; have you any other facts?—The impression was caused in my mind by a great variety of circumstances which I do not remember in detail.

1147. We want to estimate how far your judgment in the matter was correct or not by hearing your facts?—There is one thing with regard to Mr. Stafford's speech at Timaru, which was telegraphed up here. I knew the following morning, and it was known the following morning to several people in the city, that the full speech had been telegraphed. Mr. Gisborne said that he had looked it up. I understood at the time that it had been done by arrangement with the *Times*, and I thought nothing about it.

1148. The Chairman.] Mr. Gisborne states he got the speech, but showed it to no one. Yet he might have mentioned to others that he had got it, and that seems to be all that you know. There is no inconsistency with Mr. Gisborne's statement in the matter?—I did not say that Mr. Gisborne showed it to any one, but the fact was known that he had received the telegram. I do not think Mr. Gisborne would show such a message improperly to any one.

1149. Mr. Bathgate.] Was any other paper in Wellington entitled to the message the *Evening Post* received?—Certainly not; the *Evening Post* was the only paper entitled to it.

1150. Have you got a copy of the "Extra" of the *Evening Post*?—I do not think we issued an "Extra," I think we held over the telegrams until the paper came out.

1151. Is there any copy in this pamphlet (*Regina v. Barton*)?—I do not think an "Extra" was issued. I think the paper was published a little earlier than usual, for we occasionally did that—we hurried on the publication of the paper instead of issuing an "Extra."

1152. Can you now say the foreign news contained in your issue was verbatim the same as what appeared in the *Independent*, with the exception of the four lines added by the *Independent*?—I would not say verbatim the same; but there was nothing in the *Independent* that had not been published before. I do not know whether they published the whole of ours. I do not think they had several unimportant items. There was one singular occurrence: In what appeared in the *Independent* and in the telegram received by us, it was not said the Emperor was actually captured. It was very indefinite, and we held a consultation as to what the meaning of the words in the telegram were. Mr. Blundell struck out some lines and put it in a different shape, to make it more definite and intelligible. This alteration of ours was introduced into the *Independent* on the following morning. Had this fact stood alone, we should have thought that the *Independent* had simply cribbed our message, for it is not altogether an uncommon thing for one paper to take a telegram from another without acknowledgment.

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We should have thought that the whole of the telegram had been cribbed from the *Post* of the previous night, had it not been for those four lines which we had not published. I believe it has been stated that the *Independent* telegraphed down to the *Evening Star* for further information; that would have been an exceedingly unusual thing, for the proprietor of the *Independent* would know that the *Daily Times* would have simply what we had. He would not know that we left anything out, or that they had anything more in Dunedin than what we had published. It would be simply paying charges for the sake of paying them, in order to save copying from the *Evening Post*.

1153. *The Chairman.*] In point of fact, the Committee know that that was done.—It is a case of very exceptional honesty in the case of a newspaper.

1154. *Mr. Bathgate.*] Did you compare the three telegrams in the *Daily Times*, *Wellington Independent* and *Evening Post*, to see whether there were any other discrepancies?—I do not remember comparing the *Daily Times*. We did compare them very frequently in connection with the various articles on the subject that were published in our paper.

1155. There are two sentences in the *Daily Times Extra* that do not appear to be repeated in the *Independent*. Can you speak from memory whether they appeared in your paper: they referred to Baron Lesseps and the Carlist rising?—I could not speak from memory, but I do not think we would leave out items like that. To the best of my memory, the only thing omitted was the four lines I have referred to.

Mr. Gillon withdrew.

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Mr. Lemon examined on oath.

1156. *The Chairman.*] You have heard the statements made by witnesses to-day: will you state to the Committee any explanation within your knowledge where those witnesses appear to have made statements in ignorance of or contrary to fact. Mr. Gillon drew a conclusion that copies of telegrams coming to the newspapers were supplied to Ministers from the mere fact of at one time receiving them on hard paper, and at another upon flimsy?—That can be easily explained. As he stated himself, at night-time they got them on flimsy, and in the day-time on hard paper. The simple fact is this, that in the day-time, very likely the telegraphist will be taken by surprise, and the message will be taken off in ordinary form; he would not have any time to make any preparation, and perhaps would get the telegram within half an hour of the time at which he knew it was coming. The ordinary forms would be at the instruments, and are always put there on files: the ruled message forms on the top, and alongside the instrument; at night-time they would always take it off on the flimsy, which is always done when we have time, for we get more on a sheet of flimsy than on an ordinary form.

1157. Are you aware of Press Association telegrams ever having been sent to Ministers?—Never to my knowledge.

1158. Do you think it probable that it was done?—No, highly improbable.

1159. Ministers relied upon the information from Collectors of Customs?—That is the only information to the best of my knowledge they have ever had or received.

1160. Have you any knowledge as to how the *Independent* got those four lines that were in the *Post* telegram, but not published?—They got it out of the telegram that came to the *Independent* that night from the *Evening Star*.

1161. Do you know anything of the refusal of the Department to forward Mr. Gillon's message referring to the matter of Mr. Fox and Dr. Pollen?—I do not. I think it very likely he has used some offensive language that would come within the term of libellous, and, according to the Regulations, the officer would refuse to take it.

1162. I suppose there is no copy of the proposed message to be handed in?—I will see; perhaps the message has been altered.

1163. *The Chairman.*] You will get Mr. Gillon's consent to produce it.

1164. There is another question in connection with a refusal which has been stated in the public papers during the Session. A message was handed in by some of the printers who were on strike to be sent to Hokitika, but its transmission was refused. Is that a fact, or was it delayed?—It was delayed until it was brought up to me to see.

1165. On what grounds?—It was on a Saturday afternoon that the telegram was presented, and I was at my office. Captain Corbett, the receiving clerk, brought it to me. I may also state Captain Corbett is a Justice of the Peace. I read the telegram, and I did not think anything of it. He said, "I as a J.P., would certainly stop that telegram, because I consider it means this, that when that man arrives here they mean to mob him."

1166. *Captain McPherson.*] In fact it was likely to lead to a breach of the peace?—Yes. I declined at first to have anything to do with it; subsequently it went on.

1167. *The Chairman.*] Did the Regulations authorize you to refuse to send anything that might cause a breach of the peace?—(Mr. Lemon read the following regulation: "Any person tendering a telegram which, in the opinion of the officer in charge of a station, is either of a seditious, libellous, or indecent nature, must be informed that before the telegram can be accepted for transmission under the usual conditions, a copy of it will have to be telegraphed to the General Manager, and his authority obtained for acceptance.")

1168. *The Chairman.*] The telegram was neither indecent, libellous, nor seditious?—Sometimes messages have been referred to me, and I have refused to take them altogether.

1169. On the occasion of my speech at Timaru, that has been so much referred to, it has been stated that it was sent to Wellington on your suggestion to Mr. Gisborne?—It was my suggestion.

1170. In making that suggestion, did you know you were violating the Regulations?—No, I did not think so. I considered at the time it was not violating a regulation, because I contend that any officer in the Telegraph Department may know anything that happens there so long as the transactions of the Department are not divulged.

1171. Was not Mr. Gisborne Colonial Secretary?—He was the Acting Telegraph Commissioner and it was from that fact I had to go and see him.

1172. Do you consider that the Telegraph Commissioner has the right to receive any information from the wires, merely because he is Telegraph Commissioner?—I do not say that. I considered him then as an officer of the Department; and if I had thought that the public would have considered it a breach of the Regulations, I would not have acted as I did. Mr. Lemon.
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1173. Do you think it was a breach of the Regulations?—I do not think it was a breach of the Regulations: it may have been an indiscretion, if you like.

1174. Was it not a violation of the secrecy of the Telegraph Department?—No. You must first prove that it was known beyond the Department.

1175. *Mr. Bathgate.*] Will Mr. Lemon explain by what authority he came to know the contents of that telegram. If the operator had any authority to forward it to Wellington, would it be on record?—He did not do that.

1176. How did you get it?—I will explain that to you. We got a telegram from Mr. Lubecki, that Mr. Stafford was going to speak at Timaru; that two reporters were going to report the speech; and he wanted to know if he should take it after hours. He recommended it being taken overnight, because the English Mail was expected next day, and it might block the wires if the two things were going together. It was the first time we had ever been asked by any private person to give him possession of the wires for a time. I did not feel myself justified in granting it, and went to Mr. Gisborne, the Acting Telegraph Commissioner. Just as I was leaving the room, it flitted across my mind that the same time Timaru Station was sending the telegram South, it would be coming North by the same wire. I said to Mr. Gisborne I could get him a copy of that message if he liked, and that was all that passed between us.

1177. Do you consider that was not a violation of the instructions?—No, I do not. I do not consider that message was divulged. It might be an act of indiscretion. I could just have sent a telegram down to the *Otago Daily Times*, and I have no doubt they would have sent us permission to get a copy.

1178. *The Chairman.*] The last portion of clause No. 48 of the Regulations states, "No officer shall communicate to any other officer the contents of any telegram coming to his knowledge, save and except for the transaction or furtherance of the business of the Department." Do you consider that you acted in violation of those words?—I consider it was not divulging.

1179. There is another question in connection with that Timaru case. The operator was kept up by special instructions to forward the message. The message compiled by Mr. Belford was merely for certain papers, and was prepared by him before I had done speaking, and as a point of fact Mr. Belford's message was not the first message sent along the wires. The first message was what purported to be a verbatim report sent by the *Otago Daily Times* reporters before Mr. Belford's summary was despatched. Can you account for that?—We made arrangements for the *Otago Daily Times* between 12 and 1 o'clock in the day. About 8 o'clock at night I got a telegram from Timaru saying that two papers wanted to use the wires, one for a summary of 1,200 words, and the other for the full speech, and asking, in case they could not agree, which was to have precedence. I did not feel that I was bound to decide, so I went to Mr. Gisborne's private residence, and talked the matter over, and we came to the conclusion to offer, if they could agree between themselves to anything like terms, to take the Timaru speech the *Otago Daily Times* was going to telegraph, and only charge the price of 1,200 words. That offer was sent down to them at Timaru; that they could have the full speech at the price of 1,200 words, but it was not to be taken as a precedent. We got an answer stating that they could not agree, and to tell the *Advertiser* and other papers that the summary could not go on that night. I then considered I was justified in keeping the wires for the verbatim report although the other was in first. We threw every facility in their way for getting a report, because we offered to take the full speech for the price of 1,200 words.

1180. *Mr. Webster.*] Simply on account of the fact of a prior engagement?—Yes, and the papers themselves would not agree.

1181. I would like to have one point a little more distinctly cleared up. Would you now consider yourself justified in reporting the speech of Mr. Stafford in the same way as you did then?—I admit that it was an indiscretion.

1182. Do you consider that what you did was a breach of the Regulations?—No, I do not.

1183. Will you read that paragraph of the Regulations again?—This does not refer to this particular class of telegram at all. It refers to private telegrams.

1184. I suppose a telegram from one member of the press to another would be of a commercial value?—It would depend whether it was a press or a private telegram.

1185. Will you read that regulation again?—I have read it. It states, "All telegrams must be considered as strictly confidential, and must be treated with the same care that would be given to a sealed letter in the Post Office. Any officer divulging the contents of a telegram, save and except to the sender and receiver of such telegram, or making use of information afforded by a telegram passing through his hands, will render himself liable to dismissal from the service, and to severe penalties under 'The Electric Telegraph Act, 1865.' No officer shall communicate to any other officer the contents of any telegram coming to his knowledge, save and except for the transaction or furtherance of the business of the Department."

1186. Now, I will state the point clearly: Would you consider yourself justified in communicating to Mr. Gisborne, as an officer of the Department, a message similar to that of Mr. Stafford's speech?—It was an act of indiscretion; I know I did wrong.

1187. Was it against the rules of the Department?—Decidedly it was.

1188. You would not feel yourself justified in doing it again?—Certainly not. I should get the telegram direct from the paper.

1189. Did you not communicate it to another office?—The officer did by order of a Minister. I never had the telegram in my hand.

1190. One officer communicated it to another?—I may say this rule (No. 48) is strictly enforced, and we often check cadets, when they first come on duty.

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1191. *The Chairman.*] Another question that has been very considerably referred to by witnesses, and which has been specifically stated by some, and which to a certain extent appears to have been shattered by other witnesses, is, that the restriction of 200 words is said to have been imposed to interfere with the success of the Press Association. Have you any knowledge of the cause that led to that restriction?—It was a departure from the custom that up to that time prevailed?—I think the circular will fully bear it out, however the clause may read. The restriction was not intended to apply to Government English Mail press telegrams. That particular part alluded to was added to the Regulations by my suggestion to Mr. Hall. The Government had been acting illegally in taking possession of the wires all over the Colony.

1192. Contrary to which regulation?—(Witness read regulation No. 6 as it stood previous to the addition of the words "This regulation does not apply to English Mail Press Telegrams. *Vide Appendix.*")

1193. Notwithstanding that the Government used to do that when supplying telegrams to the papers?—Yes.

1194. Do Greville's Agency exceed the 200 words?—No. If another paper set up an opposition to them, that clause would hold good directly.

1195. Will you explain under what regulation Greville's Agency have got an advantage denied to the Press Association?—None that was denied to the Press Association. If two press telegrams were put in at the same time, they would go in breaks of 200 words.

1196. Was that the case with the Press Association?—Yes, it was; and, furthermore, when the two wires were in circuit, one was kept exclusively for the press messages until they were finished.

1197. That limitation of 200 words was only enforced when there was competition for the use of the wires, and would be equally in force now; but, as a matter of fact, Greville's Agency is not interrupted?—Yes, Greville's Agency has absorbed all the papers in the Colony.

1198. What, the *Daily Times*?—They take the English and Interprovincial telegrams from Greville's Agency. I came to know it in this way: I was at New Plymouth on telegraph business, and when I was leaving in the "Taranaki" for Wellington, I met Mr. Montrose, who introduced himself to me as Greville's Agent, and he showed a letter received from the *Otago Daily Times* offering to give up the agency if they might have the telegrams from Greville's Agency for twelve months for nothing. I have no doubt that Mr. Montrose can produce the letter. With reference to the telegram of the 9th September, Mr. White's statement as to the time at which the telegrams were put in cannot be correct, because I find, on referring to the lodged message, that one was put in at 10.15 and the other at 10.20, or five minutes after the first.

1199. What part of the statement?—That referring to one telegram having been put in three-quarters of an hour before the other.

1200. You admit that the *Post* telegram was put in first?—Yes.

1201. It is marked as received at 10.15.—Yes.

1202. How is the *Independent* marked?—Received at 10.20 p.m.; that is, within five minutes of the other.

1203. At all events, the *Post* was entitled to receive its telegram first?—Five minutes before the other.

1204. *The Chairman.*] Not five minutes, because it would take a great deal more than five minutes to send it?—The *Independent* telegram was some 600 words longer than that for the *Post*.

1205. *The Chairman.*] That is not the question. The *Post*, having got possession of the wire first, it must have taken a great deal more than five minutes to send the telegram for that paper?—The *Post* telegram was telegraphed all over the Colony first, because, as far as I recollect, the *Independent* was the only paper that the other telegram was for. I instructed the operator to take all telegraphic summaries that night. I did not see him that night. The telegram that was sent up to my house was the first intimation I had of the news. I went from my house to the Parliament Buildings, and heard about France being at war with Prussia. It appeared that Mr. Gifford went to the Telegraph Office to see the officer in charge. Mr. Smith told me that he asked Mr. Gifford whether he would have the telegram in slips or when it was all finished, and as I am given to understand—but at any rate the operator will be prepared to say—he said, "Let us have it at the same time as you send that for the *Independent* out, and give us a fair start."

1206. You have heard Mr. Gifford say distinctly it was not the case?—You heard me also ask him whether the officer in charge asked him whether he would have the telegram in slips, and he said he would not be prepared to say whether that was right or not.

1207. *Mr. Webster.*] You were not present yourself?—No.

1208. *The Chairman.*] You only knew it at secondhand?—One thing is certain, if he was offered the telegram in slips, he cannot say we kept it back on purpose to give the *Independent* theirs first.

The Committee then adjourned.

MONDAY, 30TH OCTOBER, 1871.

PRESENT:

The Hon. Mr. Stafford in the chair.

Mr. Farnall,
Mr. Johnston,
Captain McPherson,
Mr. Rolleston,

Mr. Steward,
Hon. Mr. Vogel,
Mr. Webster.

Mr Montrose.

Charles Otho Montrose in attendance, and examined on oath.

30th Oct., 1871.

1209. *The Chairman.*] You are Manager, I believe, of Greville's Agency?—Yes; of Greville's Telegram Company.

1210. You are aware that the Committee is sitting to investigate any charges against the Telegraph Department. Are you aware of any?—No. Mr. Montrose.

1211. Have you any personal knowledge of such?—May I be allowed to make an explanation. 30th Oct., 1871.

1212. *The Chairman.*] You may make any statement you like.—When the Committee began to sit, I wrote a letter to you, Sir, requesting to be examined in case certain subjects were touched upon in the inquiry. The *Otago Daily Times*, in its articles against the Telegraph Department, said that Greville's Telegram Company was a Government institution.

1213. You mean in opposition to the Press Association?—Yes. I believe it was also stated in the *Otago Daily Times* that the Press Association was broken up by Government influence, used in favour of Greville's Telegram Company. I do not wish to put myself in the position of defending the Government, but I do wish to defend the Company. I wish, if possible, to show that the failure of the Press Association was not due to any Government influence, so far as I know of, but that it was practically due to ourselves.

1214. Did not that restriction as to 200 words break it up?—I do not think so. I think it would have been an advantage to them before long, for this reason. I wrote some time before that regulation came into force to Mr. Greville, in Sydney, the head of the firm, and said, "Unless we are prepared to spend more money over this agency, we will be beaten by the Press Association; and if we mean to hold our ground, we must go in very strongly, or give up." Mr. Greville then sent me a considerable sum of money, and said "You go in at the Bluff and Hokitika, and at any expense lodge the messages first." We were bound to beat the Press Association, for we had an increased staff, and we put on boats at Hokitika and the Bluff. With the large facilities we had we could beat them. The 200 words restriction would, in my opinion, have been a positive disadvantage to us, because without it we would lodge our message first, and would have stopped other messages coming in. Another thing that more than any broke up the Press Association was the overland express to Tauranga, by which we three times succeeded in anticipating the Press Association telegrams—on one occasion by some hours, on the second occasion by twelve hours, and the third by twenty-four hours. The messages were sent express by Tauranga, and the effect was, on the first occasion to bring over two papers, on the second three, and on the last nearly the whole of them.

1215. *The Chairman.*] Your evidence does not bear the least upon the subject of the inquiry. It is simply an explanation how Greville's Agency, in your opinion, was getting to be superior to the Press Association. The Committee is really not appointed to inquire into that?—I simply want to answer the statement that Greville's Agency was a Government institution.

1216. That is not a specific charge against the Government. There was an outside report to the effect that it was favoured by the Government. No witnesses made any charge or statement to that effect at all?—I thought that as the subject of the inquiry was intimately connected with the Press Association, it would be right for me to explain.

1217. You got the use of the wires free?—Yes.

1218. On what plea did you ask for them?—When I got to Dunedin, I signed an agreement on the 9th March, with the Press Association, by which they transferred all interest to Greville's Telegram Company. The following telegrams then passed:—

Dunedin, 9th March, 1871.—To C. Lemon, Wellington.—May I communicate officially with you without wire charges?—Manager, Greville's.

Wellington, 9th March, 1871.—To Mr. Montrose, Dunedin.—Yes. Telegraph free.—C. Lemon, General Manager.

Dunedin, 9th March, 1871.—To C. Lemon, Wellington.—I propose make uniform English telegram *via* Suez and San Francisco, 1000 words for all journals; also, uniform Australian telegram, 200 words. Interprovincial telegrams will be different, according local requirements. In order allow leading journals compete in telegraphing, propose supplementary English telegrams *via* Suez, San Francisco, say another 1000, transmission to be commenced after general telegram been wired off; also supplementary Australian telegram, about 200 words, transmission ditto. Please state what facilities Government proposes granting, namely: 1. Whether will reduce tariff for general telegrams according to old plan adopted, one English and Australian telegram each town the single tariff, in addition certain charge per folio being divided amongst journals in each place. 2. Whether any reduction in tariff for supplementary telegrams. 3. Whether any reduction Interprovincial telegrams. During sitting Assembly propose appoint special agent Wellington, telegraph each journal according to local requirements. Please state what facilities Government proposes grant for obtaining Parliamentary news—for instance, reference to *Hansard* MS. or proofs, and right of information from Barron; also whether Government grant any special reduction for telegrams Parliamentary news during Session. If necessary negotiate details; will either meet you here or Wellington, as most convenient to you. Shall our correspondence be regarded as private?—Chas. O. Montrose, New Zealand Manager, Greville's.

Wellington, 9th March, 1871.—To Mr. Montrose, Dunedin. Will lay your suggestions before Commissioner to-day. I think until settled better keep business private; will let you know result as soon as possible.—C. Lemon, G.M., Wellington.

Dunedin, 9th March, 1871.—To C. Lemon, Wellington. Instructing agents, owing to new arrangements, will involve great expense. Can you help me in any way?—Chas. O. Montrose.

Dunedin, 10th March, 1871.—To C. Lemon, Wellington. I think right inform you our Interprovincial telegrams arranged, basis reciprocity, order economize agency charges, reduce newspaper expenses, only have paid agents principal towns. What think you proposal send all Interprovincial telegrams Wellington first instance, thence redistribute by first-class agent, thoroughly conversant local requirements newspapers. If Government allow one set messages be received without wire charges, plan might work well. Would lines suit, or would there be delay redistributing? Could not Government grant me some assistance during next two days telegraphing to newspapers and agents order organize agency? Expense will be very considerable.—Chas. A. Montrose, New Zealand Manager, Greville's.

Dunedin, 10th March, 1871.—To C. Lemon, Wellington. Will you kindly give early reply

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question regarding assistance from Government instructing Agents communicating papers, because must immediately commence.—Manager, Greville's.

Wellington, 10th March, 1871.—Mr. Montrose, Dunedin. I have seen the Commissioner; you can send free to agents, and frank their replies. This is your authority. Impress on agents not to be too verbose in replies, and condense yours as much as possible. When could you be here?—C. Lemon, G.M.

Dunedin, 11th March, 1871.—To C. Lemon, Wellington. Many thanks to you and Telegraph Commissioner for kind assistance. If you desire me come Wellington, will do so first opportunity.—Chas. O. Montrose.

Wellington, 13th March, 1871.—Mr. Montrose, Dunedin. The following rates have been submitted by me to the Telegraph Commissioner, and he has authorized my offering them to you. Mail telegrams *via* Suez, 1,000 words £1; ditto, *via* San Francisco, same rate, additional thousand for papers same rate. Australian summaries, 200 words 4 shillings, extra 200 words same rate. Interprovincial telegrams ordinary press rates, but a discount of 25 per cent. will be allowed every three months or quarter on all payments; receipts to be taken by newspapers from telegraphist, for all moneys paid for Interprovincial, which receipt will be voucher for refund. Voucher to be sent to me. Parliamentary debates, 15s. 1,000 words, 7s. 6d. 500 words, but these rates (Parliamentary) will only be in force for telegrams sent after 8 p.m. each evening, *not during day*. If sent during day, Interprovincial rates will be charged. Government will not have anything to do with affording facility for compilation Parliamentary matter; must make your own arrangements. You must please understand that this offer is conditional on having a united press, and is held out as an inducement for co-operation of papers, so as to prevent clogging wires with useless repetitions. Do not think much of plan of sending all Interprovincial telegrams, but perhaps after seeing you might alter present view on that subject. Reply free.—C. Lemon, G.M.

1219. Is there anything else to mention?—No, Sir. I wish to state that I do not consider the Government gave any great facilities to Greville's Agency. In England special facilities are granted, and hours are fixed at which press telegrams can be sent. Here sometimes there are considerable delays in sending off messages, and thus our plans are defeated.

1220. Is there any corresponding delay in delivering telegrams?—We have obviated that by having a bell in our office connected with the Telegraph Office, and we try to get over any delay by that means. I have asked over and over again for things I considered perfectly fair, and in accordance with arrangements made by the Home Government for forwarding press telegrams, but they have been refused. A copy of Reuter's arrangements was sent out to me, and I endeavoured to make similar arrangements with the Government, but did not succeed. I think they want to make as much as they can out of the newspapers.

1221. *Mr. Bathgate.*] Do you get your messages in full, or is there a break at every 200 words?—We get them in full, because there is no opposition. We used to get them in full before that regulation of the 200 words was in force, when the Government supplied the telegrams.

1222. Was Greville's Agency in operation before that?—Yes, several months before; I think about two months before.

The witness withdrew.

Mr. Smith.
30th Oct., 1871.

William Smith in attendance, and examined on oath.

1223. *The Chairman.*] You were the officer in charge of the Telegraph Department in Wellington, in September, 1870?—Yes.

1224. Do you recollect a telegram sent up from Hokitika on the 8th or 9th, given in at Hokitika on the 8th September, for the *Evening Post* and for other papers. The telegram I refer to contained news of the English mail?—Yes.

1225. It has been stated by Mr. Gifford that he was aware that that telegram was handed in for the *Post*, at Hokitika, at fifteen minutes past 10 p.m., on the 8th September, that he applied to you to let him have it as soon as possible, and he informed you, or he believes it was you, but certainly an officer in the Department, that he would keep a man up to receive it from you at any time of the night it came. Notwithstanding that he did so, he did not receive the telegram until 7 o'clock next morning, and that in the meantime a telegram given in at Hokitika subsequently to that for the *Post*—one for the *Independent*—was received by the *Independent* before the *Post* got theirs. That is the general nature of the charge brought against the Department in connection with that telegram, by Mr. Gifford. You are implicated, as being the officer he believes he spoke to and arranged with?—Mr. Gifford called at the Telegraph Office at 7 p.m., on the 8th September. He asked me at what time it would be likely that the telegram would be received for the *Evening Post*. I said it was possible that it would be very late before receiving the telegram. I asked him distinctly how he wanted the telegram, whether slip by slip, and he said it did not matter.

1226. Would each slip have 200 words?—Less than that: a slip will only contain 100 to 120 words.

1227. You mean a slip as delivered out?—As it was finished from the instrument. He told me distinctly he did not wish it that way. I asked him then if he preferred having two or three slips at a time or all together.

1228. Do you state positively you asked Mr. Gifford whether he would have the telegram in slips or all together?—Most positively.

1229. What reply did he make?—He said it was of no use to him if it came late at night, and if I sent it in the morning it would be in time enough for publication. As near as I can recollect, we sent it up to him next morning in time for an extra that morning. I did not give Mr. Gifford that telegram.

1230. He said he would be content to receive it entire?—He did not wish it that night at all, because it would be too late. I put the question distinctly to him, would he have it slip by slip? and when he said he would not have it in that way, that satisfied me it did not matter when he got it.

1231. Was the telegram delivered to the *Independent* before the *Post*?—I believe the *Post* telegram was delivered before that for the *Independent*, because the boy took both telegrams out at the same time. The boy delivered it to Mr. Gifford at the hotel, and of course the boy can give evidence of that.

1232. The receipt for the telegram we have here is signed by Mr. Blundell?—It is possible that that receipt was sent back to the office in the morning.

1233. *Captain McPherson.*] Did not Mr. Gifford make arrangements to have a man waiting up all night to receive a telegram from you?—He told me that he had made some arrangement. I then instructed the boy to go to the back of the Commercial Hotel, and a man would be found who could be easily awakened to take the telegram from him.

1234. *The Chairman.*] That must have contemplated some arrangement by which the telegrams were to be delivered?—Yes; there was an arrangement at 7 o'clock at night, when I was talking to Mr. Gifford.

1235. How do you reconcile the fact that he did not want the telegram until the morning, with the arrangement to keep a man waiting during the night?—The only reason I can give for not wanting the telegram is, that there was no necessity for delivering it until such time as an extra would be issued. The refusal of my offer made in the evening to deliver it slip by slip made me believe he did not wish it until such time as he could issue an extra in the morning. My instructions to the boy who was standing beside me were, that "when the two telegrams are finished, you will take them both out at one time, and deliver them both, and you will find Mr. Gifford by going round to the back of the Commercial Hotel. Knock at the window, a man will be there, who will receive the telegram from you, and deliver it." The messenger did so, and took it to Mr. Gifford's own room. He was in bed, and he asked if there was anything important, and the messenger said he did not know.

1236. We want to know the arrangement made by Mr. Gifford with you, and whether it was kept or not?—The arrangement was strictly adhered to.

1237. You sent it by the boy in the morning, and in time to issue an extra?—Yes.

1238. If Mr. Gifford says that he had a man up all night to receive the message, it meant that he would be there?—It meant that the boy would find him there, but whether waking or sleeping, Mr. Gifford said nothing about that.

1239. You had no idea that the man was waiting to receive the telegram at the earliest possible moment, excepting a boy were sent with it?—No. I am certain the words "knocking up" were used.

1240. *Captain McPherson.*] Is not the fact that the man was there to be knocked up, rather opposed to the idea that you were to send the message round in the morning?—No. I believe that Mr. Gifford said he would wait up himself in the first instance, but then changed his plan and said he would keep a man there.

1241. *The Chairman.*] Then the statements that he himself went to the public-house so that he might be on the spot, and also that he had a man waiting, did not seem to be made with any desire except to receive the telegram in the morning at 7 o'clock?—I believe Mr. Gifford lived at the hotel at that time.

1242. In case of a telegram arriving after office hours, and the office being kept open specially on account of the receipt of these telegrams, do you require to have a special arrangement, or have you any general rules for sending out messages? In the case of an English Mail telegram arriving after 8 o'clock—before Greville's Agency was established—would you require to have any special instructions to deal with any particular telegram, or is there any general rule of the office?—The rules of the office are that you deliver a telegram as soon as it is finished. We invariably consult the interests of a paper. Sometimes it is wanted in one way, and sometimes in another.

1243. In the case of rival papers receiving telegrams from different sources, what do you mean by the interests of a paper?—Not to consult the interests of the papers, but to oblige them as much as possible. If they wish to have the telegram in slips, we give it in slips; but if one did not wish it until the whole was ready, we keep it back.

1244. Do the ordinary regulations for the day apply during the night when the office was kept open, or had you special instructions?—I had no special instructions.

1245. You would act in the same manner as any ordinary officer?—Yes.

1246. The first telegram received would be the first sent out?—Yes.

1247. The same rules as to restrictions of words would apply by night as by day, unless there were special instructions to the contrary?—Yes.

1248. Is that the case now?—Yes.

1249. Are there any special instructions for the night?—No, none but the ordinary rules of the department.

1250. When did the restriction of 200 words cease to apply? When did you get instructions about that?—I do not recollect any instructions as regards that.

1251. Do you consider that the restriction of 200 words still applies?—I understand it does.

1252. Mr. Montrose has sworn that it does not apply now?—There is no competition. If we had two rival papers or agencies sending telegrams, my own belief is that 200 words of each telegram would be received still.

1253. You have had no withdrawal of that rule?—No withdrawal of that rule.

1254. *Mr. Lemon.*] You are perfectly certain you offered the telegram to Mr. Gifford slip by slip?—Yes, positive.

The witness withdrew.

Charles Hill in attendance, and examined on oath.

Mr. Hill.

1255. *The Chairman.*] You were a messenger who took out telegraphic messages in September, [30th Oct., 1871. 1870?—Yes.

1256. Do you recollect any instructions, or anything in connection with an English Mail telegram that was received from Hokitika for the *Evening Post* on the 8th or 9th September?—Yes, I was told

Mr. Hill.
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to take it out next morning. I heard Mr. Gifford and Mr. Smith talking about it. Mr. Gifford told me himself. I asked Mr. Gifford for my own information.

1257. He did not want it until next morning?—No.

1258. Not in slips?—Not in slips.

1259. You took it out next morning?—Yes.

1260. Did you deliver the one to the *Independent* or the *Evening Post* first?—To Mr. Gifford first.

1261. You took two telegrams at the same time from the Telegraph Office, and delivered the one to the *Post* first?—Yes, Sir, at the Commercial Hotel.

1262. Were you aware that Mr. Gifford had a man waiting at the Commercial Hotel to receive it?—Yes.

1263. Why did you not take it to him sooner?—I took it out when the telegram was finished.

1264. At what time?—I think it was before daylight.

1265. Daylight on the 9th September would be about six o'clock in the morning. We have it in evidence that the telegram was received about seven o'clock?—I delivered the telegram to Mr. Gifford, when he was in bed.

1266. You are sure Mr. Gifford was in bed?—I gave it to him in bed, and I roused the man up in the hotel.

1267. *Mr. Webster.*] According to your instructions?—Yes.

1268. *The Chairman.*] It was sent out as soon as it was finished?—Yes. We all left the office together.

1269. Who were all?—The operators left at the same time.

1270. Did they just remain to finish the telegrams?—Yes.

1271. You do not know anything more than what you have told about the occurrence?—No.

1272. There are some particulars you are not accurate in. You are perfectly certain you found Mr. Gifford in bed, at the Commercial Hotel?—Yes. I got over the fence, and went to the back-door, and woke up the man, and he took me to Mr. Gifford's room.

1273. And that was before daylight?—Yes.

1274. You went up with a candle?—Yes. Mr. Gifford wished to know whether there was anything important, so that he might wake up the printers for the "Extra." I told him I did not know.

1275. *Mr. Bathgate.*] Have you had any conversation with Mr. Lemon, or any one else, as to the evidence to be given to-day?—No.

1276. *The Chairman.*] Has any one refreshed your memory about it?

Mr. Lemon.] I told him if any one asked him anything about it, not to say anything.

Witness.—I have had no conversation as to what I should say.

1277. *The Chairman.*] You were told to hold your tongue?—Yes. Mr. Lemon told me perhaps I might be called.

1278. *Mr. Lemon.*] You say you were standing by when Mr. Gifford was talking to Mr. Smith. Did Mr. Smith offer to send the telegram out in slips?—He asked if he should send it out in slips.

1279. What did Mr. Gifford say?—Mr. Gifford said no.

The witness withdrew.

Mr. Mosley.
30th Oct., 1871.

Montague Mosley in attendance, and examined on oath.

1280. *The Chairman.*] Your name was mentioned by Mr. Barton as a person he wished examined before the Committee, in respect of certain charges made against the Telegraph Department in the columns of newspapers and otherwise; I mean charges of impropriety in administration, and of Ministerial influence generally. Will you make any statement of your own knowledge in reference to those charges?—As I held a confidential position in the Department for some years, and all papers and documents passed through my hands, I should prefer confining myself to answering questions.

1281. Reference has been made to an English Mail telegram of September, 1870. Are you aware of anything in connection with the receipt of it?—I was not in the Department at that time.

1282. You have no knowledge whatever of it?—No.

1283. You have never heard any clerk in the Department making any reference to it?—No.

1284. You are sure you have never heard any clerks saying that it was a shame that the *Post* telegram was delayed because it was an Opposition paper?—No. I have heard remarks of that kind; but they were made in the office of the *Evening Post*.

1285. Not by an officer of the Telegraph Department?—No.

1286. Are you aware of any manifold copies of mail telegrams being supplied to persons other than the person to whom the telegram was sent?—During the time that the Government supplied telegrams to the newspapers, manifold copies were sent up to Ministers.

1287. But, subsequently to that, after the Press Association was started, are you aware of any being sent?—No.

1288. Only when the Government itself, in fact, compiled the telegrams and furnished them to the newspapers?—I cannot be certain of that. I have no knowledge of it.

1289. Have you any knowledge of Ministers going into the operating room in such a way as they might see private telegrams?—Yes; I have seen Ministers in there.

1290. Frequently?—Well, I cannot say frequently.

1291. Have you ever known Ministers looking at private telegrams?—No.

1292. Still less, I suppose, asking to see them?—No. I was so seldom in the operating room. If I went down it was only about special business, and I went out again immediately. I never used to stay in there for any time.

The witness withdrew.

Mr. Lemon.
30th Oct., 1871.

Charles Lemon in attendance, and examined on oath.

1293. *Mr. Bathgate.*] In reference to the message sent up from Timaru, were there any previous instructions sent from Wellington, to the effect that the message was to be furnished?—Yes.

1294. Would you produce a copy of the telegram by which you sent the instructions?—I think they were verbal, so far as I recollect. White's Bay was instructed to take off at the same time as Timaru was sending it South; Timaru being on the same wires as White's Bay, the current would pass along both wires.

Mr. Lemon.
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1295. You did not send any previous instructions to Timaru at all?—No.

1296. *The Chairman.*] The Timaru operator was not aware that the message was going to Wellington?—Yes; I think I told him that White's Bay would take off at the same time as it was going to Dunedin.

1297. How do you give verbal instructions to the operator at Timaru?—I cannot say, it is so long ago.

1298. Are you sure there is no message in the office?—I recollect now that the operator at Timaru swore that I instructed him to send the message on here.

1299. Was he examined at Dunedin?—No.

1300. How could he have got the information at all?—I told him White's Bay would take it off at the same time as he was sending it to Dunedin.

1301. He was aware of it?—The very fact of sending it to Dunedin would send it North as well.

1302. How did you tell him?—I may have put it on a memo., I have not those memos. now. We do not record our messages in the same way as those of other people. Sometimes I send 2,000 or 3,000 memos. in a month.

1303. *Mr. Bathgate.*] Have you any record of any message that was sent?—No.

1304. I think you said that flimsies were still sent out?—Yes.

1305. Is that in consequence of more than one copy being taken in manifold?—No; we use flimsies now and then; always use them at night-time, when we have had time to get ready. We cannot write close up to the top of an ordinary form, but we can on a flimsy, and we thus can get 200 words on a slip.

1306. Is not that a manifold copy?—Yes; the black copy goes out. Now, all the telegrams for the three papers are copied at once, as they all get the same.

1307. With the exception of that Timaru telegram, did any Minister ever improperly receive any other telegram, either press or otherwise?—No, not to my knowledge.

1308. *The Chairman.*] When you were last examined, Mr. Lemon, reference was made to a telegram that Mr. Gillon compiled for the *Wanganui Chronicle* that was refused to be sent because it accused a Minister of deliberate falsehood. If the charge had been against any person except a Minister, would the telegram have been refused?—I do not know. I was not aware of the existence of that telegram until the other day.

1309. You had nothing to do with the refusal to send it?—No.

1310. Do you consider, in effect, that the telegraphist is bound to guard the reputation of Ministers more than of any person else, in case of anything of a libellous character being submitted for transmission?—I should look at it in this way: that the telegram was going to be published and made public, and, whether a Minister or a private individual, anything going out in the columns of a newspaper like that would be libellous. I have no doubt that the very fact of a person being a Minister had some weight with the operator when he refused that telegram. There is no doubt of it, in my opinion.

1311. *Mr. Bathgate.*] Who refused the telegram?—That I cannot tell you. It would be after I left the office. The telegram was altered afterwards by Mr. Gifford.

1312. *Mr. Webster.*] Will you read the clause that authorizes a Telegraph officer not to receive anything libellous, to show whether that alteration was made within the terms of that clause?—[Witness read clause 36, as follows: "Any person tendering a telegram which in the opinion of the officer in charge of a station is either of a seditious, libellous, or indecent nature, must be informed that before the telegram can be accepted for transmission under the usual conditions, a copy of it will have to be telegraphed to the General Manager, and his authority obtained for acceptance."] I think, as far as I recollect, that this rule has covered one of something of the same effect. I think Mr. Vogel altered it so far as to make it compulsory for every telegram to be sent to me before its transmission could be refused. The words objected to in the telegrams were "*Post* convicts Fox of deliberate falsehood in regard to Dr. Pollen's resignation." The telegram was altered to read thus: "*Post* accuses Fox in plain terms of misrepresenting facts in regard to Dr. Pollen's resignation."

1313. *Mr. Vogel.*] Did I not, when this was brought before me, say I should not have stopped the telegram, and that in future no telegraph operator must take the responsibility; it must be left to you?—I do not remember that telegram.

1314. Do you remember bringing me a telegram, and saying you had stopped it?—This clause was altered in consequence of a telegram I brought to you and stopped.

1315. Do you recollect my telling you that I would not have allowed it to be stopped, and that the operator must not take the responsibility?—Yes; but not with reference to that telegram.

1316. *Mr. Bathgate.*] On whose authority were English Mail press telegrams restricted to 200 words. Your interpretation of the *Gazette* rule might not be the legal one?—All I can say is, that regulation does not apply. That clause was added at my suggestion by Mr. Hall.

1317. Under the Act, all the Regulations must be gazetted?—It was an oversight on our part. When the Government threw overboard the compiling of the summaries, the clause was never intended to apply to private companies.

1318. At one time you sent the whole of the English Mail press telegrams, but afterwards you only sent 200 words at a time. By whose instructions was that change made?—We read the rule so. The rule provides for it.

1319. You sent instructions?—Yes.

1320. Were they in writing?—I forget now.

1321. Have you a copy of them?—No, I do not think I have.

Witness withdrew.

Mr. McKenzie.

Thomas McKenzie in attendance, and examined on oath.

30th Oct., 1871.

1322. *The Chairman.*] You are the proprietor of the *Wellington Independent*?—I am.

1323. You are aware of the charges brought against the Telegraph Department, which have appeared in the public newspapers. They are all referred to in the report of the trial (*Regina v. Barton*)?—I did not read that pamphlet, but I think I read the articles in the newspaper accusing me of having received a stolen telegram, and all sorts of things.

1324. You are aware that, among other charges brought against the Department, there have been some of supplying the *Independent* with telegraphic information which was really the property of other persons?—That charge has been made.

1325. More than once?—More than once.

1326. Specially with reference to the Bluff telegram of the 30th September, 1870?—Yes.

1327. The Committee have taken a great deal of evidence upon that subject; but as you expressed a desire to be examined, we thought it right to give you an opportunity of making any statement you wish. Will you make a statement as to how you got your telegram of the 30th September. Be good enough to confine yourself to the charges; the Committee do not wish to go into anything but specific charges?—I wish to show how it was that Mr. Barton and I were connected in the matter, so as to put the facts before the Committee that they will be able to draw their own conclusions. I think it was in October, 1869, at the time the Government intended to stop the supply of press telegrams, Mr. Halcombe, who was then editor of the *Independent*, and I took the matter into consideration. He wrote a letter to Mr. Reeves and Mr. Luckie about the matter, and we intended to establish a sort of Press Agency for ourselves. Mr. Barton heard of this through Mr. Reeves, and Mr. Barton wrote up to me. His first letter was mislaid and was not answered, and he wrote another letter to Mr. Halcombe, saying that he wished to establish an agency, and he heard we were going to establish something of the kind, and asking whether we could agree upon the terms. After that the Government intimated that they would continue to supply us with the telegrams, which they continued to do up to April. They then intimated again that they intended to discontinue supplying telegrams, and they did so in July. In the meantime Mr. Barton came up here, and came to the *Independent* office, and saw Mr. Halcombe and myself, to inquire whether an arrangement could be made as to terms. Mr. Barton wanted £150 a year from me to allow me to have the benefit of his telegrams. I said it was a large sum, but if he could show me what I could get for it, I would be willing to entertain it. After a long interview, I agreed to give him £100 a year if he supplied me; but he backed out of the office—walked out backwards—and neither agreed nor disagreed with the terms. He then went away to Auckland. He did not give me an answer to my offer. A steamer going to Melbourne was at the wharf at the time, and Mr. Halcombe wrote to Mr. Hutton, of Melbourne, to send the English news. If that had not been done, I would not have been able to engage a person to send the news from Melbourne in time. After an absence of about three weeks, Mr. Barton came back, and intimated that he had taken the *Post* into the confederacy, and he declined us. He told Mr. Halcombe, as the latter afterwards told me, we would be obliged to come upon our knees and take what terms he would offer. We did not disclose the arrangement made with Mr. Hutton in Melbourne; but we rather laughed to see how we would have been taken in if we had not made provision for getting the news. The first telegram we got was in August, and was much superior to that of the Press Association. Our telegrams caused a good deal of annoyance, because the *Post* were led to suppose that they were to be the exclusive parties to have the telegrams; and also to Mr. Barton, because he did not know how we got them. I was not aware that Mr. Mailer had anything to do with the telegram received on the 30th September, which was signed by Hutton, and I thought it was our message, and our message only.

1328. Where did you get the information contained in the first extra?—I will tell you that. The people were very anxious about the news. When I came down about 8 o'clock in the morning, I heard that the "Gothenburg," with the English telegrams, had arrived, but that it would be some time before they would be given out. I felt very anxious, and there was a great crowd of people about. I knew that the Government generally got a short telegram, and I went to Mr. Gisborne's house upon the Terrace, and told him that a good deal of anxiety was manifested by the public. He was not aware that the mail had arrived, and said if he received a telegram containing anything to allay the public interest he would send it for publication. I went back to the Telegraph Office, and waited some time; and not seeing Mr. Gisborne again, I went up to the Government Buildings and saw Mr. Cooper and Mr. McLean, and asked if they had received telegrams of English news. They replied that they had not. I waited some time, and afterwards I saw Mr. Sewell, who had a telegram, and I asked him for it. He said, "Is it usual to give it to the press?" I said "Yes." He called down Mr. Gray and asked him whether it was usual to let the press have the telegrams. Mr. Gray said it was, but all should have it alike. I said I did not wish any preference, and Mr. Sewell then gave the telegram to Mr. Gray to have it copied. I made a copy while the others were being made, and I drove down post haste to the office to have it published. By the time I got there, Mr. Gisborne had received a telegram on the Terrace, and had walked down leisurely and left it at the office. When I arrived there the telegram, which was similar to the one which I got from Mr. Sewell, had been published. It was done very quickly, for the men were there, and all was prepared for getting it out sharp.

1329. Subsequently, did you take any other steps to get the English Mail news telegraphed?—In due time our own telegram came and was published. Then a telegram was sent up from the *Evening Star*, Dunedin, asking us if we wanted any late English news. An answer was sent that if they had any news after the 5th to send it up, because our telegram was principally foreign news; and if they had English news, we would be glad of it to supplement our telegram. The *Star* sent it up, but we did not know how they got it for some months afterwards. The telegram they sent differed very little from the one we had received. That which was additional we published in our paper next morning.—[Mr. McKenzie here produced a copy of a telegram received from Mr. Hutton, his agent in Melbourne, and also one from the *Star*, Dunedin.]

1330. The three sources of information you had on the arrival of the "Gothenburg"

were—first, the telegram you got from Mr. Gisborne and Mr. Sewell, which was the same in fact; secondly, your own telegram; and thirdly, the information sent you by the *Star*. These were the sole sources of your information?—Yes, I saw Mr. W. Blundell, of the *Evening Post*, afterwards, and told him the telegram was up there. If he had used the same exertion as I did, he would have got it. They did not make any exertion, and therefore did not get it. I wish to show the Committee that my agent in Melbourne made extra exertions to get the telegram, and that I have been charged by my agent for this telegram, and that Mr. Mailer was paid by my agent in Melbourne and also by me. Instead of getting that telegram free, I paid extra for it to Mailer for what he did, and I am charged extra by my agent for his extra exertions. A bill sent in by Mr. Hutton is as follows:—"Melbourne, 1st October, 1870, 85 Collins Street West. Thomas McKenzie, Esq., Proprietor, *Wellington Independent*, to W. M. Hutton, 8 Australian telegrams, from 1st August to 24th September, £8; 3 English telegrams, £6; expenses incurred in hiring special conveyances to Sandridge and boat hire and gratuity to purser of steamer, £2; total, £16." This is the letter I received from Hutton. [Witness read as follows:—"85 Collins Street West, Melbourne, 1st October, 1870. Thomas McKenzie, Esq. Dear Sir,—Enclosed I beg to hand you my account to 30th September. Last Saturday the English Mail telegrams began to arrive after the hour, 2 o'clock, fixed for the departure of the "Gothenburg" from Sandridge. As the news was very important, I felt that I would be justified in incurring some expense in order to furnish you with the news. I saw the Captain at Sandridge, and asked him if the steamer would be delayed, but he said he would start as soon as the loading was on board. I returned to town and prepared a short telegram, and returned to the port and found the steamer had left the pier. I hired a boat and overtook her, and placed my despatch on board about 5 o'clock. Be pleased to say whether, on important occasions, you will authorize me to send telegrams *via* Queenscliffe to catch the steamer. I would be glad to receive a copy of the *Independent* containing telegrams.—I have, &c., W. M. HUTTON."]

1331. Did Mr. Mailer make any application to you for payment?—He made an application, I think, on one voyage, when I did not see him. On a subsequent voyage, I saw him in my office one evening. Mr. Hay said to me, "Mr. Mailer says he has had something to do with supplying that message, and asks for a gratuity." I said, "I don't know." I had not at the time received a bill from Mr. Hutton. I said, "What should I give him?" and Mr. Hay said, "Give him a sovereign." During that interview he stated how he got that news. He said he was going along by the *Argus* office and met young Mr. George. They both went into the *Argus* office together, before the publication of the third edition of the *Argus* telegrams. Mr. George supplied him with the information verbally, and he brought it down to the Bluff, wrote it out and attached it to our telegrams, and in consequence of that he thought I should give him something for his kindness. I thought it was very kind of him, and at Mr. Hay's suggestion I gave him a sovereign, and that was an end of the matter. If he had not applied to me for a gratuity, I should never have been aware that I was indebted to him at all. It now appears that he had been paid by Mr. Hutton, and he subsequently applied to me for payment. I paid Mr. Hutton extra, and Mr. Mailer twice, and the Government their own charges for two messages—and that is the way I have been favoured by them. It is perfectly monstrous that I should have been charged with having received stolen property.

1332. Mr. Mailer did not tell you he had received anything from your agent?—He did not tell me anything of the sort, or I should not have given him anything more.

1333. Is there any other occasion upon which the *Independent* was charged with appropriating information belonging to other persons?—I really do not know; the charge was made against the Government through jealousy.

1334. Are you aware of any letter written by Mr. Halcombe to Mr. Barton, in which he said the Government, by a private arrangement, would be able to send messages from Auckland *via* Napier, without charge?—Yes. Mr. Halcombe offered to give the Government the services of our Auckland correspondent, if they would pay the charges; but nothing came of it.

1335. You were aware of a letter being written by Mr. Halcombe to Mr. Barton in December, 1869, in which the passage referred to occurs?—Yes.

1336. Is there any other matter in which you would like to show that the *Independent* was improperly accused of obtaining information intended for other persons?—I would like to show that those people who make a great cry are plagiarists themselves. The *Tararua* arrived at Hokitika on the 6th October, with mail and fuller mail telegrams. The *Times* asserted, about that time, that their telegrams were compiled in the *Argus* office. The telegram they received on that occasion *via* Hokitika was an exact copy of Reuter's Australian Express, per Greville and Co., Reuter's agents, as published in the Melbourne *Daily Telegraph*, which I produce, and never appeared in the *Argus* at all that I am aware of, and certainly was not compiled then. The source of their information they never acknowledged.

Mr. John Hay in attendance, and examined on oath.

Mr. Hay.

1337. [The Chairman.] You have said you are anxious to be examined with reference to charges made against the Telegraph Department of having supplied the *Independent* newspaper with information which was never intended for it, but was the property of other persons. Will you tell what you know upon the subject?—All that we ever received from the Government was their summary compiled at the Bluff, I believe, by the Collector of Customs. We received nothing else through the Government, and the rest was from our own agents, and we paid for it.

1338. You mean the summary sent up on the 30th September, 1870?—Yes.

1339. That furnished by Mr. Gisborne?—Yes. I believe Mr. Sewell had a copy of it.

1340. That is all you know upon the subject?—Yes. I know further, that Mr. Mailer stated, in the *Independent* office, that he had obtained later information than that contained in Hutton's message, and that he got it in the *Argus* office, before the third edition was printed.

30th Oct., 1871.

Mr. Hay. 1341. Are you aware that any member of the Ministry has ever supplied telegraphic information to the *Independent*?—Occasionally, on Native affairs, and we always acknowledged it.
 30th Oct., 1871. 1342. I am speaking more expressly of English Mail press telegrams?—No; never.
 1343. Excepting upon the occasion to which you refer?—No. At no other time, and we acknowledged that information as received from Mr. Gisborne.
 1344. Has the *Independent* ever had the free use of the telegraph?—Never, since my connection with it.

Mr. McKenzie. Mr. Thomas McKenzie re-examined.
 30th Oct., 1871. 1345. *The Chairman*] Has the *Independent* ever had free use of the telegraph?—No; I never received any favour at all. I remember on one occasion I met Mr. Gifford who said, "The telegram will be late before it comes, and we will not be able to publish an extra to-night. I have made an arrangement with the Telegraph Office to supply them in the morning, and to have one a-piece." I said "All right," and in consequence of that I instructed the foreman, Mr. Muir, to be down very early in the morning to have things ready. He had everything ready at 6 o'clock. Mr. Muir got the telegram, and got out the extra.

Mr. Hay. Mr. John Hay re-examined.
 30th Oct., 1871. 1346. *Mr. Webster*] Was there any relationship between you and the Government in any way by which you were to get exclusive information, or a priority in getting information, on account of the *Independent* supporting the Government?—No. I never received any favour, or priority, or exclusiveness, or facility whatever. I never asked for it, and I never expected to get it. I wish to make the denial as absolute as I can. I may state that it was very much remarked upon by other papers that I, as editor, made no explanation respecting the accusation brought against the *Independent*. I had none to give; all that I could say was I had not received anything from the Government, except the short telegram acknowledged, but all from our own correspondents. I was accused of having received, as it were, "a stolen handkerchief:" when I wrote, the "stolen handkerchief" was lying before me, branded with marks showing it was my own property. When journals repeated the charge, I said they lied: I had nothing else to say.
 1347. *The Chairman*] The Hon. Mr. Fox and Mr. Vogel did not come to the *Independent* office with any telegram intended for the *Evening Post*?—Mr. Vogel was never in the office since I was there.
Mr. McKenzie] The Hon. Mr. Fox and Mr. Vogel were never there together.
 1348. *Mr. Webster*] It was asserted that the Hon. Mr. Fox and Mr. Vogel were in that office, chuckling over having done the *Post*. Is that true, so far as you know?—Witness (Mr. Hay), No.
 1349. *The Chairman*] How long have you been editor of the *Independent*?—Since in July, 1870.

Mr. McKenzie. Mr. Thos. McKenzie re-examined.
 30th Oct., 1871. 1350. *Mr. Lemon*] I should like to know what telegram Mr. McKenzie alluded to, when he said he met Mr. Gifford in the street, and was told by him that he had made the arrangement referred to?—I think it was early in September. It was the one referring to which the *Post* inserted a paragraph thanking the Telegraph officers for having stopped up all night and supplying them with the telegram. We also did so, thanking them for supplying the telegram after office hours. A file of the paper would tell exactly when it was.

Mr. Hay. Mr. Hay re-examined.
 30th Oct., 1871. *Mr. Hay*] I should like to make a further explanation. On the evening of the 30th September, 1870, I got a telegram from the *Evening Star*, Dunedin, asking whether they should send some English news. I said, "Yes, after the 2nd." We received a large telegram. For months after that I did not know the source of the information, because the *Star* and the *Independent* had been in the habit of mutually telegraphing, and I never thought of inquiring how they got the information.
 1351. *The Chairman*] The whole sources of information with reference to that telegram that came by the "Gothenburg," which arrived on the 29th September at the Bluff, late at night, published in the *Independent* of 30th September, that published on the same day, and that on the 1st October, were, first, the information you received from Mr. Gisborne; secondly, the information you received from your own agent in Melbourne, Mr. Hutton—that is, all written above his signature; and thirdly, the information which the *Star* supplied to you?—Yes. It appeared that there was a part above Mr. Hutton's signature that had been interpolated by Mr. Mailler. I thought at the time that Mr. Hutton had supplied the whole of it.

Mr. McKenzie and Mr. Hay withdrew.

TUESDAY, 31ST OCTOBER, 1871.

PRESENT :

The Hon. Mr. Stafford,
 Captain McPherson,
 Mr. Rolleston,

Hon. Mr. Vogel,
 Mr. Webster.

Hon. Mr. Sewell. The Hon. Henry Sewell in attendance, and examined on oath.

31st Oct., 1871. 1352. *The Chairman*] The Committee understand that you wish to make a statement. Independently of that, the Committee came to a conclusion some time ago, that as one of the charges

made against the administration of the Department was that Ministers, in violation of the Regulations, gave free use of the telegraph to certain persons for political purposes, that all Ministers should be examined. We have put questions on that point to Mr. Fox, Mr. Gisborne, and Mr. McLean, and we propose to put the same to you and Mr. Vogel; but if, in addition to that, you wish to make any other statement in connection with the administration, of your personal knowledge during the time you acted as Commissioner; the Committee will, of course, be most happy to hear it. Did you ever, in your capacity of Minister, give any general authority that any person should have the use of the telegraph free, excepting upon public service. We give a very wide latitude to the term "public service," and especially with reference to Native affairs?—I never gave a permission to anybody, either general or specific, and certainly not for any purpose other than on the public service. Not for any election purposes or party purposes generally.

1353. Are you aware of any violations of the published Regulations under the Telegraph Act, which have been committed, of which you had any personal knowledge?—Not during my time. What took place before I do not know.

1354. Were you Telegraph Commissioner at the time the Bluff telegram of the 30th September arrived?—I was Acting Commissioner. I think Mr. Vogel had left. When Mr. Vogel left, after the session, I took over the administration of his Department, and amongst others the Telegraph Department.

1355. We have got it in evidence that you gave instructions that Mr. O'Toole's telegram should be given to the *Independent* and any other paper that asked for it?—Yes. I came down to my office at about half-past 10 in the morning, and saw Mr. McKenzie, the proprietor of the *Independent*, who was in the Attorney-General's office. I had given to me a telegram, received from Mr. O'Toole at the Bluff, and with reference to which, I may say, I previously had given no instructions or direction that a telegram should be sent to me, but it came under the ordinary rule of the office. Mr. McKenzie wished to have the right to take it with him to publish it, to which I saw no objection. I forget whether Mr. McKenzie expressed a wish to have the exclusive publication of it or not; but at all events, I was led to inquire from the Inspector of Post Offices, Mr. Gray, what the usual practice had been with respect to the telegrams, whether they had been communicated generally to the press, or whether they had been confined to any particular paper, I found from Mr. Gray that the usual practice had been to allow the press generally to have the use of them, and I then gave directions that any newspaper that might apply for the telegram should have the use of it. It did not at all strike me that there was anything very special to impress it on my mind. My only object was to do what was right and fair by one paper or by another.

The Hon. Julius Vogel, Commissioner of Telegraphs, examined on oath.

Hon. Mr. Vogel.

1356. *The Chairman.*] We wish to put to you, Mr. Vogel, a question that has been put to all the other Ministers with reference to one of the charges made by the public press, to the effect that the use of the telegraph was given free for party or political purposes outside of the public service. We wish now to ask you whether you have ever given a general or specific authority to any person or persons to have the use of the wires free for purposes that were not connected with the public service?—No, certainly not.

31st Oct., 1871.

1357. To the words "public service" the Committee give a free translation; for instance, we recognize confidential or semi-confidential communication, and especially on Native affairs, between the Government and person who would not like the matters published—communications between private individuals and public officers—as on public service. A very large amount of information received by every Government in a semi-confidential manner, is for the good of the State and the public generally. A charge is, that the Ministers, for election and political purposes, in favour of persons who are supposed to be supporters more or less of the Ministry, have given the free use of the telegraph. Two names have been mentioned; Mr. Reeves and Mr. Luckie. We have put that question to all the other Ministers, and now wish to know whether you have ever authorized the telegraph to be so used?—I do not recollect ever having given Mr. Reeves power to reply to me free, nor is it within my recollection that I have ever given to any person anything in the shape of a general right to use the wires free. I do not recollect ever having given the right to use the wires free, excepting to Members of the Assembly to answer some question which I have put to them. I frequently find it necessary to communicate upon public business with gentlemen who are not in the public service, especially with Members of the House, and that often happens during the Session; but I do not think I can charge my memory with any such occurrence during the present Session. If I telegraphed to any one on public business, it is very likely I would give him the right to answer free. Sometimes I have given the power to a third person to communicate upon public business. For instance, when I was writing out the report on my mission to England, I wanted to know what was the rate Mr. Webb fixed on the freight of wool, and I asked Mr. Stewart to tell me. He said he could by telegraphing to Captain Blethen, and I franked his telegram and the Captain's reply. I do not recollect any other case of the kind during the present Session. With respect to election matters: Before I went to England, I had many communications with reference to Mr. Dillon Bell's election; and as he was away from the country upon public business, I never dreamt of paying for telegrams I sent, for I considered, as a matter of course, they should pass free. Mr. Dillon Bell was away from the country on public business, and I considered that to neglect to do what I did would not have been right. I do not recollect having sent other telegrams free on election matters. I remember, when going across to Nelson, Sir David Monro told me he was going to stand for Motueka, and I telegraphed to the Hon. Mr. Fox, telling him so. I contend that Ministers have a right to use the telegraph in communicating with each other free.

1358. *The Chairman.*] The Committee recognize that.

Witness.] If ever I have a doubt as to whether I should pay for a telegram or frank it, I put the question to myself—whether, if I were not a Minister, I would have to send the telegram. One often has to debate whether a telegram is private or public.

Hon. Mr. Vogel.

31st Oct., 1871.

1359. You admit that, in the case of Mr. Bell's election, you did occasionally use the wires free, with the view of getting him returned?—I did not give anybody the right to use the wires free; I used them myself. My impression is that all messages I received were paid for. I wish the Committee to understand that Mr. Dillon Bell was absent on public business, and was detained by his daughter's illness, and I was very anxious that he should not lose the opportunity of getting a seat.

1360. You do not recollect, with reference to any other election or party action, having given the use of the wire free to any person?—No, I was always against it. I should like to state this, that I am under the impression, considering the very large increase in the number of telegraph stations, that we have not used the telegraph wires more, in proportion, than any preceding Government did. I should like also, if the Committee are going to report upon the general question, to say that I do not think that a Government should use the telegraph for election purposes, though it is done, I believe, in other countries—for example, New South Wales. I do not know what is the practice in Great Britain.

Examination closed.

APPENDIX.

Mr. LEMON to the PROPRIETORS, *Otago Daily Times*.

(Circular.)
GENTLEMEN,—

New Zealand Telegraph,
Head Office, Wellington, 23rd March, 1870.

I am directed by the Hon. the Telegraph Commissioner to inform you that the Government again contemplate discontinuing, after the present quarter, the supply of the English and Australian Mail Summaries. As the only reason for this course is that it is supposed to meet the wishes of a majority of the newspaper proprietors, before finally resolving on it, the Hon. the Telegraph Commissioner wishes to ascertain the feeling of the press on the subject. Should this course be adopted, I am directed to point out that the usual precedence given to these summaries in their transmission over the wires will cease, as the matter supplied by the different agents for transmission will be subject to the ordinary Regulations, and thereby considerable delay will be caused to the various papers in the receipt of their telegrams. According to clause 6 of those Regulations: "In order to prevent a monopoly of the line by any one company or individual, when several telegrams are presented for transmission about the same time, and any one of these telegrams is of considerable length, then no officer shall transmit more than two hundred words of any such telegram at any one time."

Should, however, the Government feel themselves justified by the general tenor of the various replies to this circular, in still continuing the supply of the summaries as hitherto, I am directed by the Hon. the Telegraph Commissioner to inform you that the charge will be reduced, after the expiration of the present quarter, to £36 per annum for both summaries, or £18 for one, and that the agents supplying the news will be instructed to make the same as complete and as interesting as possible.

I have, &c.,

C. LEMON,
General Manager.

The Proprietors, *Times*, Dunedin.

Mr. LEMON to the PROPRIETORS, *Otago Daily Times*.

(Circular.)
GENTLEMEN,—

New Zealand Telegraph,
Head Office, Wellington, 26th May, 1870.

In further reference to circular, dated 23rd March, 1870, I am directed by the Hon. the Telegraph Commissioner to inform you that, owing to the few papers that have agreed to become subscribers to the arrangement contemplated in the above-mentioned circular, the Hon. the Telegraph Commissioner has decided not to carry it out, and has requested me to inform you that this Department will cease to supply the summaries as hitherto, at the expiration of the present quarter. At the same time, I am directed to inform you that the Hon. the Telegraph Commissioner, in order to afford greater facilities to the press will, as far as possible, remove the restriction limiting the transmission to 200 words at a time. In order to accomplish this, where two wires are in circuit, one will be set apart for the transmission of English and Australian telegrams on the days of their arrival.

I have, &c.,

C. LEMON,
General Manager.

The Proprietors, *Times*, Dunedin.

TELEGRAPH REGULATION No. 6.

In order to prevent a monopoly of the line by any one Company or individual, when several telegrams are presented for transmission about the same time, and any one of these telegrams is of considerable length, then no officer shall transmit more than 200 words of any such telegram at one time.

This regulation does not apply to English Mail Press Telegrams.

Mr. SEED to the COLLECTOR of CUSTOMS, Hokitika.

Office of the Commissioner of Customs, Wellington,
20th August, 1870.

SIR,—

I have been directed to request you to be good enough, when the English Mail arrives by way of Hokitika, to telegraph its arrival to the Hon. the Commissioner of Customs, and on the mail being landed, to telegraph briefly any important items of news. The Telegraph Department will be requested to give precedence to your message, which should not generally exceed about 100 words.

I have, &c.,

WILLIAM SEED,
Secretary and Inspector.

The Collector of H.M. Customs, Hokitika.

Mr. SEED to the COLLECTOR of CUSTOMS, Invercargill.

Office of the Commissioner of Customs, Wellington,
20th August, 1870.

SIR,—

I have been directed to request you to be good enough to instruct the Sub-Collector at the Bluff, when the English Mail arrives by way of the Bluff, to telegraph its arrival to the Hon. the

Commissioner of Customs, and on the mail being landed, to telegraph briefly any important items of news. The Telegraph Department will be requested to give precedence to his message, which should not generally exceed about 100 words.

I have, &c.,
WILLIAM SEED,
Secretary and Inspector.

The Collector, H.M. Customs, Invercargill.

Mr. G. B. BARTON to Mr. LEMON.

DEAR SIR,—

Wellington, 25th June, 1870.

I am at present unable to make any definite proposal with regard to the delivery of press messages at night, except in this shape: that the morning papers which consent to take their messages, say, at 9 p.m., should be charged 25 per cent less than the usual rates. I think all the morning papers in the Colony would readily accept such a proposal, provided that the Foreign Mail telegrams were despatched during the day, if necessary. Of course, the evening papers would require to have their telegrams during the day, but their business is comparatively small.

I should be glad if you would take this matter into your consideration, and let me know the result on my return to Wellington, about a fortnight hence.

I have, &c.,
G. B. BARTON.

Mr. G. B. BARTON to Mr. LEMON.

SIR,—

Wellington, 15th July, 1870

I beg to inform you that I am now endeavouring to establish, on behalf of the *Otago Daily Times*, a Press Telegraph Agency, for the purpose of supplying the newspapers in the Colony with telegraphic messages.

As a large number of these newspapers, including the leading journals, have already expressed their desire to avail themselves of this agency, I feel justified in submitting the following proposal for your consideration, viz. :—That the Government should grant a reduction of, say 25 per cent. on the wire charges to the newspapers receiving our messages, provided that they agree to receive the less important messages after the ordinary office hours, say at 9 p.m.

I need scarcely point out to you that the proposed arrangement offers material recommendations to the Government. In the first place, as nearly all the newspapers in the Colony will receive the same messages, the cost of telegraphing will be comparatively light, and in the second, the telegraph officers will be relieved from the pressure of newspaper messages during the daytime, and a pressure of which the Government has more than once complained.

I have, &c.,
G. B. BARTON.

G. B. BARTON to C. LEMON.

[Telegram.]

WHAT about the 25 per cent. ? Have ten papers, and agree to 9 o'clock.

8th August, 1870.

G. B. BARTON.

Mr. LEMON to Mr. BARTON in Reply.

8th August, 1870.

PAPERS before Commissioner. No answer yet.

LEMON.

Mr. E. T. GILLON to Mr. LEMON.

SIR,—

Wellington, 2nd August, 1870.

Referring to Mr. Barton's letter to you, regarding a reduction in the press tariff for messages transmitted to the associated papers at such hours as not to interfere with the transmission of ordinary messages, I have now the honor to inform you that more than the number of papers which you intimated you would require to join in the arrangement, are now ready to do so; I have, therefore, to request that you will be good enough to inform me, as soon as possible, whether the arrangement suggested by Mr. Barton, and recommended by you, has received the approval of the Hon. the Telegraph Commissioner. I should esteem an early answer a great favour, as many of the arrangements between Mr. Barton and the various papers are contingent thereon.

I have, &c.,
E. T. GILLON.

3rd August, 1870.—Receipt of Mr. Gillon's letter acknowledged, and the writer informed that his letter has been laid before the Hon. the Telegraph Commissioner.

TELEGRAM from Mr. WOOD, of *Hawke's Bay Herald*, to Mr. LEMON.

Napier, 9th September, 1870.

SURELY some deduction from scale charges. What about Barton's 20 per cent. allowance?

To Mr. Lemon, Wellington.

WOOD.

REPLY.

No deduction. If Mr. Barton led you to believe that there would be a reduction of 20 per cent., he only did so on an assumption of his own.

C. LEMON, G.M.

Mr. G. B. BARTON to Mr. LEMON.

Daily Times Office, Dunedin, 31st August, 1870.

MY DEAR SIR,—

I should be glad to hear from you on the subject of the 25 per cent. as soon as you have anything to say on it.

All the journalists I have communicated with are agreed that they are entitled, under existing circumstances, to ask for some such consideration.

I think you will find that the press telegrams make a better show on your books for August than they did for July. If we get the reduction, you may depend upon it that it will not prejudice the revenue, because I should immediately instruct our agents to make use of the wires on every reasonable pretext.

As a sign of the times, I may mention that I am now getting the shipping telegrams for the *Daily Times*, and I believe that our example would be followed by others, if the Government would encourage them.

I have, &c.,

G. B. BARTON.

SUBMITTED for the Information and Instructions of the Hon. the Telegraph Commissioner.

15th September, 1870.

The arrangements made with the "press" for sending English news, in accordance with last circular, do not seem to give some members of it satisfaction.

Mr. Barton of the *Daily Times*, seems to think that which ever telegram is presented first, should be sent all first; thereby excluding any other papers from a use of the wires, and giving his agency a complete monopoly. The way I read the circular (and at the same time, think that it is the most liberal construction) is that where two wires are in circuit, one shall be set apart for press purposes; but I consider that that does not infer, or in any way imply, that which ever telegram is presented first, is to be sent all first; but that the press messages shall have exclusive use of that wire for the time being, and that the rule of limiting the transmission to 200 words at a time of any one message, should still hold good in the transmission of these "Press Messages," where two or more have to go over the same wire.

C. LEMON,

General Manager.

Mr. C. LEMON to Mr. G. B. BARTON.

New Zealand Telegraph,

Head Office, Wellington, 14th September, 1870.

SIR,—

I have the honor to acknowledge receipt of your letter of the 15th July last, making application for a reduction of 25 per cent on the present charges for press telegrams, and am directed to inform you, in reply, that the Hon. the Telegraph Commissioner regrets that he cannot comply with your request.

I have, &c.,

C. LEMON,

General Manager.

G. B. Barton, Esq.,

Daily Times Office, Dunedin.

DOCUMENT MARKED A.

Identified by Mr. Mailer, Purser of the "Gothenburg," as being in his handwriting.

Melbourne, 24th September, 1870.

(Very latest telegraphic News.)

Napoleon a prisoner in Berlin.

There has been a revolution in Paris, and France declared a Republic. The French have been defeated everywhere, and the Prussian army is on the march to Paris.

The "Albion," arrived at Melbourne on the 18th instant from Japan, *via* Newcastle, New South Wales.

The "Alhambra" arrived on the 23rd ultimo from the Fiji Islands.

[LETTERS referred to in Mr. Barton's Evidence.]

MY DEAR SIR,—

The Argus Office, Melbourne, 23rd December, 1870.

I am in receipt of your letter of the 16th instant, in which you give extracts from speeches by Mr. Vogel, with reference to your dispute with the Government about the English telegrams. The circumstances to which Mr. Vogel refers, and in addition to what I have already written to you on the subject, are simply these:—

On the afternoon of the 24th September, when we were going to press with our second edition, the purser of the "Gothenburg" called at this office, and requested as a favour, as the sailing of the vessel had been put off until after the publication of the European news, that he might be supplied with an early copy of the paper. I gave instructions that he should have a few of the first copies printed. He neither asked for, nor did I give him, any information beyond what was being printed, and it is my belief that at the time he left the office with the second edition, he could not have got from any one any further information than the printed news he carried away with him. As soon as the "Gothenburg" arrives, I shall take care to see the purser, and shall not fail to let you know what he says regarding Mr. Vogel's explanation.

I have, &c.,

HUGH GEORGE.

G. B. Barton, Esq.

MY DEAR SIR,—

Argus Office, Melbourne, 17th January, 1871.

In compliance with the promise contained in my letter to you of the 23rd ultimo, I beg to inform you that I have seen Mr. Mailer, lately purser of the "Gothenburg," and questioned him regarding Mr. Vogel's statement, in his speech at Dunedin, to the effect that he (the purser) being personally acquainted with me, had received the later telegraphic news at this office, and sent it to the *Wellington Independent*. Mr. Mailer emphatically denies having said anything to warrant such a statement. His version of the matter, which is substantially the same as stated in my letter of 23rd ultimo, is simply this: that, being acquainted with me, he came to this office and requested, as the "Gothenburg" had delayed sailing until after the publication of the mail news, that he might be furnished with an early copy of our second edition; that, at this office, he neither asked for nor obtained any news in addition to that contained in our published second edition, with the exception of one item to the effect that France had been declared a republic, which item of news he says he got from a board outside the *Argus* office; the intelligence, although I have no recollection of the circumstance, having, no doubt, been received as we were going to press with our second edition, and thus exhibited for the information of the people of Melbourne; and that he made up a despatch from our published news, the only item in addition to which being that exhibited on the board.

G. B. Barton, Esq.

I have, &c.,
HUGH GEORGE.