

Two days later, after comparison of its own news columns with those of its rivals, the *Otago Daily Times* made a more serious charge:

The telegrams in this morning's issue of the Independent differ materially from their Extra, and are simply a reproduction of ours, a few unimportant items which were in our message—but, which we did not print as being unimportant or anticipated—being given word for word. It is perfectly evident that the Government's first telegram was compiled from ours. . . . The bitterest opponent of the present Government would hesitate to believe that a transaction of this nature, which cannot appear in any other light than that of an infamous breach of trust, could take place under its administration. 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.

In earlier years there had developed an understanding and acceptance that a government had a duty and a right to learn of overseas news as soon as possible. Prior to 31 July 1870 this had been accomplished by giving government agents responsibility for the collation and despatch of press telegrams. After the formation of the two press associations and the cessation of the government service, the Government's need to acquire information remained. In practice it meant government officials regularly perused the press associations' telegrams. The charges by the *Otago Daily Times* and other newspapers, were against both the practice and its abuse. One charge was that members of the Government, through press telegrams, had apprised themselves of the nature of the diplomatic emergency, demonstrating that, at least in the first months of the new press associations, there was *not* a general acceptance of the Government's right to be informed of overseas events. This was a charge the Fox-Vogel Ministry would have had little difficulty rebutting. However a further charge was that members of the Government had then interfered with the delivery of the press telegrams so as to give their supporting newspapers first publication of the eagerly awaited news.

The Government had little option but to defend itself and chose to do so by trying G. B. Barton, the editor of the *Otago Daily Times*, on a charge of criminal libel. This did little to placate public opinion, as his solicitor was able to portray the fact that proceedings were taken against the editor rather than against the proprietors of the newspaper, as indicative of Vogel's personal animosity against the man who had succeeded him. The lack of any proceedings being taken against the *Evening Post*, which had been at least equally outspoken, added to such an impression. Furthermore, the charge itself came to naught, being abandoned after it reached the Supreme