

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

18th Nov., 1879.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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