

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

*Dr. Lemon.*

18th Nov., 1879.

WEDNESDAY, 19TH NOVEMBER, 1879.

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

*Mr. Maginnity.*

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

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

152. Directly to him?—Yes.

153. There is no intervening officer?—None.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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