

The Great New Zealand Telegram-hacking Scandal (1871)

A Shakespearean Comedy in Multiple Parts

The current phone-hacking scandal in the UK, involving the news media, and, possibly, political corruption, is not really new! Similar events took place in NZ well over 100 years ago: albeit the technology of the time was slightly different. This story involves the fledgling NZ national telegraph network, and relates to accusations that politicians were misusing the telegraph services for political purposes. This included interception of sensitive telegraph messages by telegraph operators, who then passed them to unauthorised recipients (i.e. “hacking”, to use modern terminology). The events which unfolded over a period of about 18 months, during 1870 and 1871, involved numerous court cases, side-issues, and culminated in a parliamentary Select Committee. It was a political melodrama reminiscent of a Shakespearean comedy, and the story is therefore written in that style.

Dramatis Personae

The Otago Daily Times (ODT)

The ODT was first published on 15 November 1861. It is New Zealand’s oldest existing daily newspaper (as at 2012), and was founded by William Cutten and Julius Vogel during the boom following the discovery of gold at Tuapeka; the first of the Otago goldrushes. Vogel was the first editor (1861-68), followed by George Barton (1868-71).

(Wikipedia http://en.wikipedia.org/wiki/Otago_Daily_Times)

Mr George Burnett Barton

Barton was an Australian lawyer, journalist and historian. He was born in Sydney, and educated at William Timothy Cape's school and at the University of Sydney. After a dispute with Professor John Woolley he left for England, where he was admitted to the Middle Temple (effectively a law school) on 20 April 1857 and called to the Bar in 1860.

He returned to Australia, became a journalist and was the first editor of the Sydney *Punch*. From 1865 to 1868 he was reader in English literature at the University of Sydney. During this period, he published works on Australian literature, which received considerable acclaim.

Barton came to New Zealand in 1868, and was editor of the ODT until 1871; the period during which the Telegram Hacking scandal occurred. He then practiced for some time as a barrister and solicitor at Dunedin, and in 1875 published a book on NZ legal matters. He returned to Australia in the 1880s, and died there in 1901.

Barton had a strong background in literature and law. He was articulate, and had a tendency to be outspoken, to the point of rebelliousness. All of these characteristics made him an ideal candidate for a role as chief protagonist in the telegram hacking affair.

(http://en.wikipedia.org/wiki/George_Burnett_Barton)

(Ward, John M. (undated), Australian Dictionary of Biography URL
<http://adb.anu.edu.au/biography/barton-george-burnett-2949>)

Mr (later Sir) Julius Vogel



Julius Vogel was born in London in 1835. He went to school until he was fifteen and then worked in his grandfather's merchant business. In 1852, he emigrated to Melbourne.

In the gold-mining town of Maryborough, he opened a drugstore. However, he became interested in journalism and took a job as a reporter. He then became editor of a local newspaper. Later, he established his own paper - the *Inglewood and Sandy Creek Advertiser*. He had strong political views, and used his editorials to advance these.

By 1861, Victoria was in a recession. Vogel lost his editing job, and was forced to sell the newspaper. He stood for election to the Victorian General Assembly, but was unsuccessful.

In 1861, he emigrated to NZ, to join the Central Otago gold rush, and, in conjunction with William Cutten, founded the ODT. After several attempts to gain a seat in the New Zealand parliament, he won Dunedin North in 1863.

His departure from ODT, in 1868, was apparently somewhat acrimonious:

... the company's editor [Vogel], who had been devoting more and more of his time to politics. He had become one of the leading spirits in the Provincial Executive, and the directors, believing that the two positions were not compatible, decided on dispensing with Mr. Vogel's services. Their resolve was given effect to in 1868, not, however, without protest from Mr. Vogel.

(The Cyclopedia of New Zealand [Otago & Southland Provincial Districts] (1903))

According to the Melbourne Argus (29th April 1871), Vogel harboured a significant grudge against the ODT:

Mr Barton, as our readers may remember, is the ex-editor of the Otago Daily Times, a paper which supports political views inimical to the present Government, a member of which, Mr Vogel, was his predecessor in the editorial chair. Mr Vogel, it appears, alleges that the proprietors of the journal in question did not treat him well, and in order to be revenged on them he has never ceased to pursue his successor with every annoyance that could suggest itself to a little mind and a naturally spiteful nature.

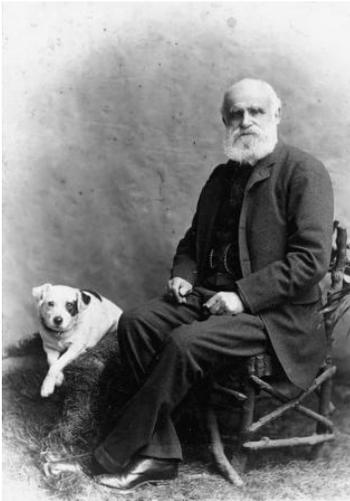
In June 1869, Vogel was appointed Colonial Treasurer, Commissioner of Customs and Postmaster-General under Premier William Fox. New Zealand's economy was in poor shape, and Vogel was determined to turn it round with a daring expansionist policy. In 1870, he borrowed large amounts of money from the UK for infrastructure projects, and increased immigration to provide labour to progress them.

The policy was popular at first, but by 1872 it hadn't shown results, and Fox's government was defeated. Vogel later returned to the government benches after the Stafford government was defeated after a very short term, but resigned in 1876 to

become, effectively, NZ's High Commissioner to the UK. He was re-elected to parliament in 1884, but resigned again in 1888 and returned to the UK, where he lived until his death in 1899.

Vogel was an accomplished and (generally) popular politician. However, he went into the Telegram Hacking affair with considerable "baggage" from his spell as editor of OTG. It is likely that this influenced his views, and was probably a major factor in the government of the day deciding to sue George Barton for libel. This then led to the prosecution of the case with extreme vigour; to the point of indulging in dubious legal tactics to compel ODT staff to give evidence.

Mr William Gisborne



William Gisborne was born in England in 1825, and at the age of 17, emigrated to South Australia. In 1847 he came to New Zealand and held several public service appointments. In July 1856, he became Under-Secretary in the Colonial Secretary's Office, thus becoming the senior public servant in the colony.

In July 1869 Gisborne resigned from his official posts when he was appointed, on the nomination of the Premier, Sir William Fox, to a seat in the Legislative Council and elevated to the Ministry as Colonial Secretary. In 1871 he resigned from the Legislative Council and was elected unopposed to the House of Representatives as member for Egmont.

During the Telegram Hacking affair in 1870-71, he spent a period as acting Commissioner (Minister in charge) of the Telegraph Department while Vogel was absent overseas. It was during this period that he was accused of requesting, and receiving, from Charles Lemon, a copy of a telegram detailing William Stafford's speech in Timaru, in April 1870.

(<http://www.teara.govt.nz/en/1966/gisborne-william/1>)

Mr (later Sir) Edward Stafford



Edward William Stafford was born in Edinburgh, Scotland, in 1819. After attending Trinity College, Dublin, he travelled in Australia during 1841 and 1842 and then came to Nelson, NZ in 1843.

In 1853 Stafford became Nelson's first superintendent and served in this role with some distinction. His free, secular and compulsory education system and his County Roads Act were precursors of colony-wide legislation.

Stafford was not a member of the first General Assembly in 1854, considering it inappropriate to hold provincial and colonial office simultaneously. However, at the 1855

election he became a member of the House of Representatives for Nelson, a seat he held until 1868 when, after local disputes, he resigned and became member for Timaru. He held that seat until 1878.

Stafford was Premier for three terms, during two turbulent decades, when political power alternated frequently between Stafford, William Fox, and, occasionally, others. At the time of the Telegram Hacking affair, Stafford was just an ordinary MP, there being no formal “opposition” party in those days.

(<http://www.teara.govt.nz/en/biographies/1s22/1>)

The Parliamentary Select Committee: *The Working and Management of the Electric Telegraph Department*

A Parliamentary Select Committee was appointed by Order of Reference dated 15th September 1871 "... 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". It met over the period September-November 1871 and delivered its report on 10th November 1871. The members were:

Mr. Farnall, Hon. Mr. Hall, Mr. Johnston, Captain McPherson, Mr. Pearce, Hon. Mr. Rolleston, Mr. Stafford, Mr. Steward, Hon. Mr. Vogel. ...
On the motion of Mr. Pearce, the Hon. Mr. Stafford was elected Chairman.

(AJHR 1871 Session I H-08)

The committee had a curious composition, and some of the perceived conflicts of interest would probably not be tolerated today. For example, Vogel, as Commissioner of Telegraphs (Minister responsible for the Telegraph Department, in today's terms) gave evidence to the enquiry, had previous service with ODT, and was also a member of the committee. Stafford, the Chairman, was also involved in the case, as the deliverer of the Timaru speech in April 1870, the telegraphed report of which was obtained by Mr Gisborne, and used for political purposes. At times, Stafford, as Chairman, asked witnesses questions related to his own speech!

Moreover, Stafford was a former Premier and long-term rival of William Fox (Premier during the 1869-72 terms of Parliament). It would be highly unusual today for an Opposition MP to be elected as Chairperson of a Parliamentary Select Committee. However, at that time political parties had not been formed in NZ, and anyone seeking to form a government had to obtain the support of a majority of individual MPs. So, the modern political concept of a “government,” and “opposition,” didn't apply.

Mr Charles Lemon

Charles Lemon was born in London in 1834, and acquired some knowledge of basic electricity and surveying at a technical training institution during his teenage years. Around 1851, he emigrated to NZ and initially stayed with his brother in Oamaru, where he eventually obtained a job as local postmaster. When the Oamaru telegraph office opened in 1865, he also became telegraphist there. In 1867, he was appointed to assist Alfred Sheath, the Telegraph Engineer (then Head of the telegraph service) in

Wellington. Sheath was not popular with the government of the time and in 1868, was transferred to Auckland, into a lesser role. Lemon then became Head of Department, a role he was to hold for over 25 years. The distinctive wire-draped telegraph poles that appeared around the country during his tenure were affectionately known as “Lemon Trees”.

There is speculation as to how Lemon’s sudden advancement came about. Wilson (1994) suggests it may have been a result of Governor George Grey’s visit to Oamaru Post Office in early 1867. Given that the government were dissatisfied with Sheath, Lemon may well have made a good impression on Grey, who then championed his meteoric rise.

Lemon did not have a strong technical background, but obviously had considerable political savvy. During his time as General Manager, he survived a number of inquiries and Select Committees. According to Wilson (1994):

... Lemon’s scientific skill was more apparent than real. For example, his PhD was an honorary one, awarded in 1875 by Hamilton College in the USA for assisting a party of American scientists ... Lemon was lucky in that technically very able men in his Department ... were kept away from Wellington, no doubt deliberately, doing important work in the districts for which he could claim credit. ... Lemon’s achievements came early in his career, in part through the good relationship he built up with politicians ... Lemon’s effectiveness with politicians was not just due to adroit cultivation of his image as ‘Mr Telegraph’. He could accommodate, with less strain than Sheath, the pressures of the ‘pork barrel’. ...

The Telegraph Hacking scandal of 1870-71, and the subsequent Select Committee enquiry, was just one of a number of similar situations faced by Lemon during his tenure as General Manager. However, it is fair to say that, as a public servant, he was simply “serving the public” – as well as his political masters. Like Barton, he was well suited to the role he was to play in this particular drama.

(Wilson, A. C. (1994). *Wire and Wireless: A History of Telecommunications in New Zealand 1890-1987*, Dunmore Press, Palmerston North.)

The NZ National Telegraph Network (as at 1871)

Telegraphy was the first major electrical telecommunications service, and is distinct from telephony, which it preceded by about 20 years. Telegraphy is a character-oriented communications protocol, which works by sending bursts of electrical current down a (long) line, with the current bursts coded to represent alphabetic characters, numbers and other symbols (e.g. punctuation). The original coding scheme was invented by Samuel Morse, and is known as Morse code. Skilled operators transmitted and received telegraph messages, which were known as *telegrams*. The last Morse telegram in NZ was sent in 1963.

The first telegraph link in NZ was completed in 1862, between Christchurch and Lyttleton. There was steady growth, with lines being laid up the east coast of the South Island, and a Cook Strait cable was completed in 1865. By 1870, there was a line from Wellington to Tauranga, via Napier, Taupo, and Rotorua, and a line from Auckland to Thames. The final link in the national chain, from Thames to Tauranga, crossing the Coromandel Ranges, wasn’t completed until April 1872. During 1871 and early 1872, messages were carried across the Coromandel Ranges by couriers on horseback, to complete the “gap”.

The first international telegraph link (from Sydney to Cable Bay, near Nelson), wasn't completed until 1876, which explains the great anticipation and excitement felt when a ship arrived from overseas, carrying news from the "homelands" of Europe, or even from Australia.

(Newman, Keith, (undated), NZ Telecommunications Timeline, <http://www.wordworx.co.nz/KiwitelcoTimeline.htm>)

(Wilton, D., (2010), The Old Wires Track: The Hikutaia - Whangamata Telegraph Link (1872) <http://www.thetreasury.org.nz/WiresTrack/Wires.htm>)



Figure 1 Telegraph operators at work (c.1900) – courtesy of Sir George Grey Special Collections, Auckland Libraries, AWNS-19031029-6-4

The Drama Unfolds

George Barton assumed the editorship of ODT in 1868. He apparently observed at least a few incidents relating to the telegraph services which he perceived as being orchestrated by the Government; in order to benefit newspapers viewed as pro-government, and disadvantaging those seen as anti-government. It appears the final straw, for Barton, was the so-called Bluff telegram affair. In September 1870, a ship arrived in Bluff, from Melbourne. At that time, there were no international telegraph links to NZ, so the country and its newspapers relied on ships to bring news to the colony. The ship arriving at Bluff on 29th September carried telegrams from Melbourne, detailing the news that Napoleon had been captured, and was imprisoned in Germany, and that France had been declared a republic. This was indeed momentous news for expatriate Europeans then resident in NZ.

Barton accused the Government of deliberately withholding the relevant telegram addressed to the ODT, while at the same time, arranging for a copy to be sent to a rival newspaper in Wellington.

Otago Daily Times 1st October 1870:

Again, although these telegrams were sent from the Bluff Telegraph office at nine a.m. yesterday, the first slip was not delivered to us until a quarter-past ten, the last being delivered at about two in the afternoon. We need not say that the whole message might easily have been telegraphed on Thursday night for publication in yesterday's issue. We assert that the Telegraph Office, acting of course under instructions from the General Government, unnecessarily delayed our telegrams in order to serve a political purpose. The object of this delay is sufficiently explained in the Wellington telegram which appears in another column. We have entered into these particulars purely in self-defence, as we are aware that the delay in publishing the telegrams has been severely commented on by the public.

(National Library Papers Past on-line collection. The annotations on the article were on the scanned original.)

The "other column" stated:

BY ELECTRIC TELEGRAPH.

Wellington, September 30th. The English mail telegrams this morning were kept back until a message containing a summary of the news had been sent to the Government.

The contents of this message were communicated by the Government to the Independent, which thus issued an Extra before a single line of the Press telegrams was received. The Evening Post denounces this conduct as grossly unfair and dishonest.

Obviously, this didn't go over well with the Government, which decided to prosecute Barton for libel.

Evening Post 19th January 1871:

The General Government have commenced a prosecution against Mr. Barton, Editor of the Otago Daily Times, for libel in reference to the Bluff telegraph affair. The case was called on at the Resident Magistrate's Court to-day, and adjourned for a week.

Mr. Haggit for the Government, Mr. Macassey for defendant.

The First Court Case

The case was heard in the Dunedin Magistrates court. Another incident involving the telegraph service was raised by Mr Barton: the so-called Timaru speech affair. This involved a speech made by Mr William Stafford to his constituents in Timaru, during April 1870. As Stafford was a former Premier and, effectively, Leader of the Parliamentary opposition (there were no political parties in the NZ parliament in those days) this was considered to be an important speech, and the ODT had sent a reporter to Timaru to report it (by telegram). A copy of the telegram had been transmitted to Wellington, where it had been given to Mr Lemon, General Manager of the Telegraph Department, who had, in turn, given it to Mr Gisborne, Acting Commissioner (effectively, Minister) for Telegraph. Mr Gisborne had then used the improperly-acquired telegram, which was effectively the private property of ODT, for political purposes.

On 31st March 1871, after several weeks of testimony, the Resident Magistrate (Mr Chetham Strode) found there was a case to answer and remanded the matter to the Supreme Court for trial. However, the Crown withdrew the charges before the Supreme Court case commenced. Barton claimed this vindicated his remarks; the Government claimed that the Magistrate's court findings were sufficient to prove its case. In any event, that particular case didn't go any further.

An interesting sub-plot arose during this trial. The Crown called several staff members of the ODT to give evidence – with the apparent objective of identifying George Barton as the writer of the allegedly libellous article. To prevent ODT witnesses from refusing to give evidence on the grounds that they may incriminate themselves, the Crown offered them, effectively, a pardon-in-advance. This was a document signed by the Governor of the day, which offered a prospective pardon for any personal offences disclosed during their testimony. This was unprecedented at the time, and was the subject of widespread criticism, particularly by the anti-government press. (Not surprisingly, it was supported by pro-government newspapers.) Barton himself complained to the Colonial Secretary in the UK, but the response (if any) is not known.

The [Christchurch] Press 23rd May 1871:

... the employees of the [Otago] Daily Times office were summoned to prove the authorship of the articles complained of, they all declined to answer, on the ground, that they were implicated in the charge, and could not be required to answer questions which might incriminate themselves. The Government got out of the dilemma by the ingenious expedient of pardoning the offence, beforehand. A pardon was produced in Court, duly signed and sealed, on behalf of Mr Muston, sub-editor of the Daily Times; upon receipt of which he was compelled to give evidence, and the case proceeded. The assumption of this extraordinary right of pardoning an offence never proved to have been committed was warmly disputed. Mr Barton has addressed a letter on the subject to the Secretary of State. It also attracted notice in the neighbouring colonies, the [Melbourne] Argus in particular denouncing it in the strongest terms as a prostitution of the Crown's prerogative. On the other hand, the Wellington Independent, the Ministerial organ, defended it tooth and nail. In a series of articles the Independent contended that it was perfectly lawful, constitutional, and in accordance with repeated precedents both in England and in the colonies.

Barton Counter-sues

George Barton was obviously not inclined to let matters rest. In March 1871, he launched a counter-suit against Charles Lemon, accusing the latter of a breach of the Telegraph Act (1865) over the so-called Stafford Timaru speech affair.

Evening Post 2nd March 1871:

DUNEDIN.

1st March, 4.10 p.m.

Criminal proceedings have been instituted by Mr. G. B. Barton against Mr. Lemon, General Manager of the Telegraph Department, for breach of the 16th section of the Telegraph Act, 1865, in presenting Mr. Gisborne, on the 22nd April last, with a copy of a telegram sent to the Otago Daily Times by its special reporter at Timaru, containing a report of Mr. Stafford's speech.

This Case was also heard by Dunedin Resident Magistrate Mr Strode, who dismissed it, because the information presented was more than six months old (i.e. a legal Statute of Limitations). Barton appealed this decision to the Supreme Court, but it was again dismissed on a point of law: this time that the Case could only be heard in Dunedin if both parties agreed, and the Crown, as respondent, didn't agree.

Yet another sub-plot emerged during this Case. It became apparent that Charles Lemon, as well as drawing a good salary as a senior public servant, was also "moonlighting" as a grain agent and adviser; mainly on behalf of his brother, who was a grain merchant in Oamaru. This represented a potential conflict of interest (particularly with his telegraph role) and drew criticism from the anti-government press.

ODT 1st May 1871:

The celebrated telegram libel case, which has been heard before the Resident Magistrate's Court, has brought out statements affecting the fitness of Mr Charles Lemon for the post of General Manager of the Telegraph Department ... A reference to the regulations issued for the guidance of the Telegraph Department will show that one of the rules most stringently laid down is that no officer in the Telegraph Department is to engage in any business transactions, or to act as agent in any commercial matters. The clause setting this forth is so stringently worded as to forbid the possibility of a mistake concerning it, and no one in the whole department is more fully cognisant of its provisions than Mr Charles Lemon, if, then, that gentleman has been persistently acting, for his own personal benefit, in opposition to rules, the observance of which he has enforced in those around him, we say he deserves dismissal.

This issue was addressed (but only in general terms, relating to the possible politicisation of the Telegraph Department), in the Select Committee investigation that followed.

The Parliamentary Select Committee

A Parliamentary Select Committee was convened to investigate the affair, and met over the period September-November 1871. As well as the two incidents outlined above (Bluff telegram and Stafford's Timaru speech), other matters were investigated. These included the perceived misuse of publicly-funded telegrams by Ministers for electioneering purposes. The report, tabled in Parliament on 10th November 1871, concluded:

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 Committee, 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, 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.

...

E. W. Stafford,
Chairman.

Final Acts

What, then, were the final events in this drama? Did anyone “win”? Was anything actually resolved? The obvious answer is: probably not. The Government believed its behaviour (and that of the Telegraph Department) had been exonerated, while the anti-government press believed it hadn't. The government's attitude is well summarised in the Departmental report of that year (AJHR 1871 Session I E-02):

SEVENTH ANNUAL REPORT OF THE TELEGRAPH DEPARTMENT, NEW ZEALAND [to the NZ House of Representatives, dated 5th August 1871]

...

CONCLUSION.

The Report for the present year can hardly be complete without a short reference to the "Telegram Libel Case" which lately attracted some notice. A newspaper in Otago having published certain articles charging the Telegraph Department with corrupt practices, the Government instituted proceedings against the reputed Editor. After a long and minute investigation before the Resident Magistrate at Dunedin, Mr. Barton was committed for trial on the charge of publishing a false and malicious libel. The object of the proceedings—namely, the disproof of the charge made—having been thereby gained, the Government desired to spare him from being brought to trial. It seems that he was afterwards advised to take proceedings against some members of the Government for their original prosecution, so that it is necessary to refrain, for the present, from further comment on the case here; but it may be added that he also brought a charge against Mr. Lemon, the General Manager, of having improperly divulged a telegram to Mr. Gisborne, the Minister then acting as Telegraph Commissioner, which charge the Magistrates summarily dismissed without even calling upon Mr. Lemon's Counsel to reply.

The opposition newspapers' views were somewhat different:

The Press 14th November 1871:

The result of the Parliamentary enquiry into the management of the telegraph is in one respect highly satisfactory. It completely relieves the officials and employees from the distrust which the misconduct of some members of the Government, and the suspicions naturally arising there-from, had tended to engender.

...

Altogether the Committee seem to have framed their verdict upon a famous and often quoted model. They find Ministers not guilty, and recommend them never to do it again. It will be observed what emphatic language the Committee employ when Government are in the right, and how extremely moderate and soft-spoken they become when Government are in the wrong. They evidently entered on the inquiry with a predisposition to find the department everything it ought to be, and a desire to restore public confidence by declaring the charges against Government unfounded.

The news media certainly claimed the moral high ground with respect to freedom of the press (an issue obviously still taken very seriously today).

The Evening Post 11th April 1871:

Whatever may be the motives which have actuated the Government in undertaking this prosecution, and whatever may be its result, it will, except the public step in to the rescue, have the effect of virtually gagging the Press. No Editor of a public journal will in future dare to expose abuses, however glaring, censure the proceedings of a corrupt Government, or stand up for the rights of the people if he knows that he is liable to be criminally prosecuted at the will of the Government, and, whether acquitted or not, put to a ruinous expense, while his opponents have the public purse to draw upon at discretion. Such a precedent as this would be fatal alike to the liberty of the Press and the Colony. No longer exposed to censorship, the Government would be without check and who shall say what they might not then attempt.

George Barton left the ODT shortly after the case against him concluded and went into legal practice in Dunedin. According to the Cyclopaedia of NZ (1903):

The case cost the company [ODT] a very large sum of money. Mr. Barton resigned ...

However, other evidence doesn't support the assertion about the cost (unless it refers purely to legal fees) as no guilt was established and no penalties were awarded. Barton authored a well-known book on NZ legal matters, before returning to Australia.

Charles Lemon served as General Manager of the Telegraph Department for over 25 years, before he retired. This was not the last investigation into the telegraph service in which he would be involved; reflecting the increasing importance of "modern" information technology in contemporary life, particularly in the domains of news-gathering and politics.

This fascinating chain of events shows that tensions between politicians and the news media, related to the use of information technology, are not new. If one were to research far enough back, some sort of wax tablet-hacking scandal may well emerge! Also, the affair demonstrates that politics (and basic human nature) haven't changed much in over 140 years ...

Sources:

Unless otherwise indicated, all newspaper articles are from the National Library PapersPast web site, URL <http://paperspast.natlib.govt.nz/cgi-bin/paperspast>

Sources marked "AJHR" are from the National Library Appendices to Journals of the House of Representatives web site, URL <http://atojs.natlib.govt.nz/cgi-bin/atojs>