

1880-81.

VICTORIA.

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**REPORT**

FROM THE

**SELECT COMMITTEE**

UPON

**OPENING LETTERS IN THE POST OFFICE;**

TOGETHER WITH THE

**PROCEEDINGS OF THE COMMITTEE AND MINUTES OF EVIDENCE.**

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*Ordered by the Legislative Assembly to be printed, 11th May 1881.*

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**By Authority:**

ROBT. S. BRAIN, ACTING GOVERNMENT PRINTER, MELBOURNE.



# R E P O R T.

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THE SELECT COMMITTEE of the Legislative Assembly, appointed to enquire into and report upon the circumstances under which letters have been secretly opened, delayed, or detained at the General Post Office since the 1st of January last ; and also to report their opinion as to the expediency of making any alterations in the law under which the secret opening, delaying, or detaining of post letters is conducted, have the honor to report to your Honorable House as follows :—

1. Your Committee find that a letter addressed to your petitioner, Mr. Julius Raphael, was delayed for three days at the General Post Office, viz., from the 19th to the 22nd October 1880. That during that time it was secretly opened at the instance of the Honorable the Commissioner, and of the Collector of Customs, and that the letter, with its enclosures was re-sealed and forwarded, without explanation, to Mr. Raphael. That the Deputy Postmaster-General claims authority for acting in the foregoing manner under sections 26 and 27 of Act 29 Vict., No. 298.

2. That a register is kept at the Post Office, Melbourne, of all letters opened and found to contain articles of value. That from this register your Committee find that, in the month of March 1881, 308 letters were secretly opened, of which 131 were suspected to be in violation of the Customs Act, but only on 12 of them was Customs' duty claimed, the balance being re-sealed and forwarded to their addressees without comment.

3. That in the month of April 1880, letters addressed to certain persons suspected to be in collusion with the Kelly outlaws were, under the authority of an order of His Excellency the Governor in Council, detained and handed over to the Commissioner of Police. It was also admitted by the Deputy Postmaster-General that, in the case of an absconder, letters addressed either by him to his wife, or by his wife to him, were stopped for the police.

4. Your Committee are of opinion, in which they are glad to say the Deputy Postmaster-General concurs, that whenever a letter is detained on the suspicion that its contents are in violation of the law, notice should at once be sent to the person to whom such letter is addressed, requiring his attendance at the Post Office within a reasonable time, to see it opened ; and your Committee recommend that an amendment be made in the existing law to that effect, and in the meantime that the same end may be attained by a regulation of similar purport. Your Committee also think that when letters are detained or opened by the authority of the Governor in Council a separate warrant (except in cases of letters addressed to a deceased person in whose estate probate or administration has not been obtained) should issue for each particular letter, and no one warrant be applicable to a whole correspondence.

5. Your Committee desire to call attention to the admission made by the Inspector of Dead Letters, to the effect that he would not feel justified in refusing to deliver up letters in his custody to either the political or permanent head of the department, should he demand them, without producing a warrant from the Governor in Council authorizing such delivery. The same official further admitted that he had on several occasions delivered letters to the permanent head of the department without the production of any such warrant. Your Committee recommend that all officers in the Post Office be instructed that they will be held responsible for the irregular surrender of any letters passing through their hands to any person, without the exhibition of an Order in Council authorizing such delivery. Your Committee also consider that when letters are intercepted at the Post Office, for police purposes, a record of them should be kept, as in the case of registered letters, or of those opened on suspicion of their containing articles of value in contravention of the Customs Act.

Committee-room,  
11th May 1881.



PROCEEDINGS OF THE COMMITTEE.

THURSDAY, 16TH DECEMBER 1880.

Members present :

Mr. Carter,  
Mr. Fincham,

Mr. L. L. Smith.

The extract from the Votes and Proceedings of 8th December 1880, appointing the Committee was read by the Clerk.

Mr. Fincham moved, That Mr. Carter do take the Chair.

Question—put and resolved in the affirmative.

The Petition of Julius Raphael was read by the Clerk, and is as follows :—

“ To the Honorable the Speaker and the Members of the Legislative Assembly, in Parliament assembled.

“ The Petition of Julius Raphael of 6A Elizabeth street, Melbourne, humbly sheweth—

“ That during the last month a letter sent to him through the Post Office was detained by the Government beyond the time of its delivery, that its seal was broken, and that it was opened and read by certain of the authorities belonging to Her Majesty's Post Office.

“ That such a practice is, in the humble opinion of your petitioner, repugnant to every principle of the British Constitution, introducing as it does the spy system of Foreign States ; and is subversive of the public confidence which is so essential to a commercial community. And your petitioner humbly prays that your honorable House will be pleased to grant without delay a Committee to inquire and give immediate redress to your petitioner and to prevent the recurrence of so unconstitutional a practice. And your petitioner as in duty bound will ever pray.

“ Melbourne, 29th November 1880.

“ JULIUS RAPHAEL.”

Mr. Fincham moved, That the Chairman obtain from the House power for the Committee to sit upon days on which the House does not meet, to move from place to place, and to extend their inquiry to telegraphic messages as well as letters.

Question—put and resolved in the affirmative.

Ordered—That Mr. Julius Raphael and the Deputy Postmaster-General be summoned to attend and give evidence at the next meeting of the Committee.

Mr. Zox took his seat.

Committee adjourned until Tuesday next at two o'clock.

(At the General Post Office.)

TUESDAY, 21ST DECEMBER 1880.

Members present :

Mr. Fincham,

MR. CARTER, in the Chair ;

Mr. Zox.

Julius Raphael called and examined by the Committee.

Mr. L. L. Smith took his seat.

Examination of witness continued.

Witness handed in the letter addressed to him which had been opened at the General Post Office. The same was read by the Clerk, and is as follows :—

“ Messrs. Raphael Bros. and Co.

“ DEAR SIRS,

“ Hay, October 17 /80.

“ Yours of the 14th, containing quondong locket, came duly to hand. Enclosed quondong please get made into locket, and the mounting to be of Colonial gold, and as neatly as it can be executed. You will please see if you can procure us 1 pair small garnet earrings to match enclosed brooch.

“ Respecting 3 cases kerosene invoice to us on Sept. 24th, you can please let us know if there is not a mistake made regarding the price, as we have been charged 1/10 per gallon in bond, as we have heard quotation being sent here of the same brand of kerosene at 1/4 in bond.

“ We are

“ Yours respectfully,

“ J. RAPHAEL & CO.

“ Per N. T.”

“ P.S.—Quondong locket we faithfully promised to have ready by Saturday next. Should any person call on you to exchange a bull-dog revolver for a Colt you can please do so. He paid £3 10s., and is willing to go as high as £5 or as £5 10s. and pay the difference. The bull-dog revolver can then be returned to us again.

“ Yours, &c.,

“ J. R. & CO.”

Examination of witness continued.

Witness handed in two letters from the Deputy Postmaster-General dated respectively 8th and 24th November 1880. The same were read by the Clerk, and are as follow :—

“ M.80/6130.

“ GENTLEMEN,

“ Post Office and Telegraph Department,

“ General Post Office, Melbourne, November 8th, 1880.

“ Referring to your communication of the 2nd inst., respecting a packet addressed as per margin, I beg to inform you that every enquiry has been made, but no trace of the packet in question has been found in this office. Messrs. J. Raphael & Co., Hay, N.S.W.

“ I am, Gentlemen,

“ Your obedient servant,

“ Messrs. Raphael Bros. & Co.,

“ Melbourne.

“ T. W. JACKSON,

“ Deputy Postmaster-General.”

“ M.80/650.

“ GENTLEMEN,

“ Post Office and Telegraph Department,

“ General Post Office, Melbourne, 24th November 1880.

“ Adverting to previous correspondence respecting a missing packet, addressed as per margin, I beg to inform you that further enquiries have been made, but no trace of the packet in question has been found in this Department. Messrs. J. Raphael & Co., Hay.

“ I would add, however that the Postal authorities, Sydney, have been communicated with upon the subject, and you will be advised of the result in due course.

“ I am, Gentlemen,

“ Your obedient servant,

“ Messrs. Raphael Brothers & Co., 6A Elizabeth street, Melbourne.

“ T. W. JACKSON,

“ Deputy Postmaster-General.”

Thomas William Jackson, Deputy Postmaster-General, called and examined by the Committee.

The Committee, accompanied by the Deputy Postmaster-General, then inspected the various branches of the Post Office Department.

Committee adjourned until Tuesday, 25th January 1881, at three o'clock.

*(At the General Post Office.)*

MONDAY, 4TH APRIL 1881.

*Member present :*

Mr. Carter.

No quorum.

Adjourned until Thursday next, at eleven o'clock.

THURSDAY, 7TH APRIL 1881.

*Members present :*

MR. CARTER, in the Chair ;

Mr. Zox,

Mr. Deakin.

Thomas Ford Clerke, Inspector of Dead Letters, called, and examined by the Committee.

Thomas William Jackson, Deputy Postmaster-General, re-called, and further examined by the Committee.

Committee adjourned.

*(At the Parliament House.)*

TUESDAY, 3RD MAY 1881.

*Members present :*

Mr. Carter,

Mr. Deakin.

No quorum.

Adjourned until Thursday next at four o'clock.

THURSDAY, 5TH MAY 1881.

*Members present :*

Mr. Carter,

Mr. R. Murray Smith.

No quorum.

Adjourned until Tuesday next at four o'clock.

TUESDAY, 10TH MAY 1881.

*Members present :*

MR. CARTER, in the Chair ;

Mr. R. Murray Smith,  
Mr. Zox,

Mr. Deakin.

Draft Report brought up by the Chairman as follows :—

## DRAFT REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, appointed to enquire into and report upon the circumstances under which letters have been secretly opened, delayed, or detained at the General Post Office since the 1st of January last ; and also to report their opinion as to the expediency of making any alterations in the law under which the secret opening, delaying, or detaining of post letters is conducted, have the honor to report to your Honorable House as follows :—

1. Your Committee find that a letter addressed to Mr. Julius Raphael, was, as alleged in his petition, delayed for three days at the General Post Office, viz., from the 19th to the 22nd October 1880. That during that time it was secretly opened at the instance of the Honorable the Commissioner, and of the Collector of Customs, and that the letter, with its enclosures was re-sealed and forwarded, without explanation, to Mr. Raphael.

2. That a register is kept at the Post Office, Melbourne, of all letters, opened and found to contain articles of value. That from this register your Committee find, that, in the month of March 1880, 308 letters were secretly opened, of which 131 were suspected to be in violation of the Customs Act, but only on 12 of them was Customs' duty claimed, the balance being re-sealed and forwarded to their addressees without comment.

3. That in the month of April 1880, letters addressed to certain persons suspected to be in collusion with the Kelly outlaws were, under the authority of an order of His Excellency the Governor in Council, detained and handed over to the Commissioner of Police. It was also admitted by the Deputy Postmaster-General that, in the case of an absconder, letters addressed either by him to his wife, or by his wife to him, were stopped for the police.

4. Your Committee are of opinion, in which they are glad to say the Deputy Postmaster-General concurs, that whenever a letter is detained on the suspicion that its contents are in violation of the law, notice should at once be sent to the person to whom such letter is addressed, requiring his attendance at the Post Office within a reasonable time, to see it opened ; and your Committee recommend that an amendment be made in the existing law to that effect, and in the meantime that the same end may be attained by a regulation of similar purport. Your Committee also think that when letters are detained or opened by the authority of the Governor in Council a separate warrant (except in cases of letters addressed to a deceased person in whose estate probate or administration has not been obtained) should issue for each particular letter, and no one warrant be applicable to a whole correspondence.

5. Your Committee desire to call attention to the admission made by the Inspector of Dead Letters, to the effect that he would not feel justified in refusing to deliver up letters in his custody to either the political or permanent head of the department, should he demand them, without producing a warrant from the Governor in Council authorizing such delivery. The same official further admitted that he had on several occasions delivered letters to the permanent head of the department without the production of any such warrant. Your Committee recommend that all officers in the Post Office be instructed that they will be held responsible for the irregular surrender of any letters passing through their hands to any person, without the exhibition of an Order in Council authorizing such delivery. Your Committee also consider that when letters are intercepted at the Post Office, for police purposes, a record of them should be kept, as in the case of registered letters, or of those opened on suspicion of their containing articles of value in contravention of the Customs Act.

Paragraph 1 read, amended, and passed.

Paragraph 2 read, amended, and passed.

Paragraph 3 read and passed.

Paragraph 4 read and passed.

Paragraph 5 read and passed.

Committee adjourned until to-morrow at four o'clock.

WEDNESDAY, 11TH MAY 1881.

*Members present :*

MR. CARTER, in the Chair ;

Mr. R. Murray Smith,

Mr. Zox.

Amended Draft Report read and agreed to.

Ordered—That the Chairman report to the House.

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MINUTES OF EVIDENCE.

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# MINUTES OF EVIDENCE

(Taken at the General Post Office.)

TUESDAY, 21ST DECEMBER, 1880.

Members present :

MR. CARTER, in the Chair ;  
 Mr. Fincham, | Mr. L. L. Smith.  
 Mr. Zox, |

Julius Raphael, examined.

1. *By the Chairman.*—You are the petitioner in this case?—Yes.
2. What is your occupation?—Importer.
3. Did you petition the Legislative Assembly?—I did.
4. With respect to what you held to be a grievance?—Yes.
5. Have you the letter in question with you?—Yes.—[*The witness handed in the same.*]
6. Is this the petition—[*exhibiting a paper to the witness*] ?—That is my petition.—[*Vide Proceedings of the Committee.*]
7. Is this the condition in which you received this letter?—Yes, excepting that it is now opened at the end.
8. I mean it had the Post-office seal on it and was gummed up?—Yes.
9. *By Mr. Zox.*—What is the date of the letter?—17th October 1880.
10. When did it come to the Post-office ; I see the first post-mark at Melbourne is October 19th | 80?—It would reach here on the 18th.
11. I see one date is Melbourne 19th and the other Melbourne 22nd ; when did you receive the letter?—I received it on Friday the 22nd October, at five o'clock.—[*The letter enclosed in the envelope was read.*]
12. *By the Chairman.*—Was the letter registered ; did the person who received it pay any money for it and sign a receipt for it?—The postman left it at the warehouse and demanded sixpence, which was paid.
13. On account of registration?—I believe so.
14. What was in this letter ; did the envelope contain a quondong and a locket?—A quondong and a garnet brooch.
15. That was inside this envelope?—Yes.
16. Were they bulky?—A small parcel, the size of this match-box—[*showing one of the ordinary size*].
17. A small brooch and a quondong stone?—Yes.
18. *By Mr. Zox.*—Did you receive any communication from the Post-office intimating that the letter was there for you and that it was their intention to open it?—No.
19. *By the Chairman.*—Did you know anything about it until you received the letter?—No.
20. *By Mr. L. L. Smith.*—The postman came to you and tendered you the letter?—It was tendered at the office.
21. And there was sixpence to pay?—Yes.
22. Did he say why ; did he say it was supposed to contain value?—I did not see him ; I do not know about that.
23. You are aware that it is the custom when a letter is supposed to contain money for them to ask?—To ask what?
24. An extra fee?—We have had similar parcels to those from time to time.
25. And you have never been asked?—Not to my knowledge.
26. Are you aware of it?—It may have been passed into the office and demanded without my knowing.
27. When the letter came did you pay the postage and receive the letter, or did you refuse to take the letter and send it back?—I did not see the postman at all ; he left it in the office ; he demanded sixpence, and the clerk in the office paid him.
28. And then left the letter?—Yes, I found the letter after with others in my office.
29. Was the letter opened?—It was in the same state it is in now—gummed up.
30. *By the Chairman.*—This letter was not like this entirely?—No ; that part has been opened.
31. *By Mr. L. L. Smith.*—It was as it is now, with the exception of the portion you opened?—Yes.
32. Will you describe its state in your own words—how did you find this?—The letter had on it the Government seal, and was patched up with gummed paper.
33. Evidently after being opened ; then gummed up with pieces of paper, and sealed with the Government seal?—Yes.
34. When you received this letter in this condition, did it seem as if it had been torn open or that it had come ungummed?—If you will allow me to make one remark before answering that.

Julius Raphael  
21st Dec. 1880

Julius Raphael,  
continued,  
21st Dec. 1880.

35. Yes?—We have before now received packets that have been accidentally opened, and closed in the Post-office; but in that case it was stated, by means of a ticket or printed label, "arrived open."

36. *By the Chairman.*—Do you think in this case it was accidentally or on purpose?—On purpose.

37. *By Mr. L. L. Smith.*—I must again ask you to answer my question—when you received this letter in this condition, did it seem as if it had been torn open, or that it had come ungummed?—That it was torn open.

38. *By Mr. Zox.*—When you concluded that the letter had been torn open recently, what steps did you take immediately after that?—I consulted with a friend of mine as to the advisability of petitioning the House.

39. *By Mr. Fincham.*—You did not consult the Post-office as to the delay, as shown by the different dates on the letter?—No.

40. You had ascertained by the two dates that it was in their possession three days beyond the ordinary time?—Yes. I did not have any communication with the Post-office.

41. *By Mr. Zox.*—Why not?—Because I felt pretty certain in my own mind I could receive no satisfaction there.

42. *By Mr. Fincham.*—Would it not be the ordinary course in receiving a letter posted in that extraordinary way to make a complaint to the Post-office of that as well as of the delay?—Under ordinary circumstances, yes.

43. Something led you to suppose you could not get redress, and you therefore appealed to Parliament?—I am in a position to prove that we have received no attention or information in any way from the Post-office officials.

44. *By Mr. Zox.*—You say under ordinary circumstances you would?—Yes.

45. But you labored under the idea that you would not get satisfaction, and you appealed to Parliament?—Yes.

46. Did you ever since you have been in business have a letter addressed to you treated in a similar manner?—No.

47. Then your only reason was you did not think you would get satisfaction?—Yes.

48. Why?—Because I heard at the time; learned it through the press, in the first instance—that letters had been detained, and treated in a similar manner. As a merchant I had had sufficient experience to know; I had communicated with the postal authorities from time to time on matters requiring more attention than that, and never got any satisfactory reply.

49. And never made any complaint?—I have since then made complaint of a parcel being altogether lost from me.

50. Have you any evidence of that?—It was this very brooch that formed the enclosure in this letter we are dealing with now. We had a brooch and earrings procured and forwarded through the Post-office, but they never reached their destination. We then communicated with the Postmaster, and have received one or two replies, but leading to no satisfaction.

51. *By the Chairman.*—Have you any correspondence that took place?—Yes.

52. Produce it?—[*The witness did so.*]

53. This quandong and brooch, that were enclosed in the letter, you had made into earrings and a locket, and re-posted to New South Wales, and they never reached their destination?—No, they never came to hand.

53. You then wrote to the Post-office?—Yes, these are the replies—[*The same were read as follows*]:—

Gentlemen—

Post-office and Telegraph Department,  
General Post-office, Melbourne, 8th November 1880.

Messrs. J.  
Raphael and Co.,  
Hay, N.S.W.

Referring to your communication of the 2nd instant, respecting a packet addressed, as per margin, I beg to inform you that every inquiry has been made, but no trace of the packet in question has been found in the office.

I am, Gentlemen, your obedient servant,

(Signed) T. W. JACKSON,  
Deputy Postmaster-General.

Messrs. Raphael Brs, and Co., Melbourne.

Gentlemen—

Post-office and Telegraph Department,  
General Post-office, Melbourne, 24th November 1880.

Messrs. J.  
Raphael and Co.,  
Hay, N.S.W.

Adverting to previous correspondence respecting a missing packet, addressed as per margin, I beg to inform you that further inquiries have been made, but no trace of the packet in question has been found in this department.

I would add, however, that the postal authorities, Sydney, have been communicated with upon the subject, and you will be advised of the result in due course.

I am, Gentlemen, your obedient servant,

(Signed) T. W. JACKSON,  
Deputy Postmaster-General,

Messrs. Raphael Brs. and Co., Melbourne.

55. *By Mr. L. L. Smith.*—Were you so advised?—No; we had no further communication.

56. *By the Chairman.*—As a matter of fact those things disappeared altogether;—Yes.

57. *By Mr. Zox.*—When you sent this parcel to New South Wales, was it registered?—No.

58. Are you in the habit of sending valuables in parcels from your place without registering?—To such value as this we do.

59. *By Mr. L. L. Smith.*—Are you aware it is the law that you should not send anything valuable without registering?—When they are valuable, we generally register, but on this occasion the value was only some 25s.

60. Do not you think by not registering it is an incentive to the Post-office officials to rob?—Parcels like those we never register.

*The witness withdrew.*

Thomas William Jackson, examined.

61. *By the Chairman.*—What is your position?—Deputy Postmaster-General.

62. Are you aware of the nature of the petition presented by Mr. Raphael?—I have seen a notice of the petition presented by Mr. Raphael—[*the same was handed to witness*].

63. Would you know from the appearance of that envelope—[*handing Mr. Raphael's letter to the witness*]—whether it had been officially opened?—This letter has evidently been officially opened in the Post-office.

64. If you notice the dates, one is on the back of the letter 19th, and another the 22nd—would that show that the letter had been detained three days in the Melbourne office?—Clearly so. The letter has been received, I should judge, first on the 19th, and then sent out for delivery on the 22nd.

65. Could you inform the Committee why it was detained?—I cannot say. I do not remember to have seen this envelope before, nor have I any personal knowledge of the facts. I can only suppose that this letter was suspected to contain some enclosure that was liable to Customs duty.

66. Does the department keep a book in which every letter detained is entered?—It does of every letter containing an enclosure of value that is opened in the Dead Letter office.

67. That is not the question; what I ask is, where a letter is detained for any reason is any record of it kept?—Not unless it contains an enclosure of value.

68. I mean those you detain?—There is no record kept of them at all.

69. There is no book you can produce to show what have been detained?—Yes; there is a record of everything that contains an enclosure of value, but nothing beyond that.

70. There is an entry of those made in a book?—Yes.

71. Have you any similar record of those that are opened?—I am not quite sure. Those letters are opened in the Dead Letter office, and I am under the impression that there is a record kept of all those letters that are opened in this way.

72. I understand there is an entry of all containing valuables?—Yes.

73. That book you can produce?—Yes.

74. I would like to ask you then, under what law or Act of Parliament you claim the right to open letters?—The clause of the Post-office Statute under which those letters are detained.

75. I thought the clause in the old Act under which you could open letters was repealed?—The letters are opened under section 27 of the Act 29 Vict. No. 298.

76. Is that the Amending Act?—No; the original Act.

77. Would you kindly read the section you refer to?—The preceding clause 26 directs the opening, and clause 27 provides the mode. Clause 26 directs that any letter may be opened under the authority of this part of this Act. I will read the whole clause:—“On the receipt at the General Post-Office of any letter packet or newspaper hereinbefore required to be transmitted to such office such letter or packet if it was originally posted in this colony or if it has been posted or be reasonably suspected to have been posted or to contain any enclosure in fraud or violation of this Act or of any Act relating to the Customs or of any regulation or order made under the authority of this part may be opened in the said last-mentioned office”—that is the General Post-office “in the manner hereinafter mentioned; and every such letter and packet, if it was originally posted elsewhere, shall except as last aforesaid be returned to the proper authorities in the colony or country in which it was so posted; but every such newspaper wheresoever it was originally posted shall be opened in the same place and manner as letters and packets originally posted in Victoria.” Then the next clause (27) directs how it shall be opened:—“Every letter packet and newspaper which shall be opened under the provisions of this part of this Act shall be opened by not less than two officers of the post-office specially nominated for that purpose by the Postmaster-General or other officer in immediate charge of the post-office department. And every such officer shall before he shall enter upon his duties in this respect make and subscribe before a Justice a declaration in the form set forth in the Third Schedule to this Act; and if any such officer shall act contrary to such declaration he shall be guilty of a misdemeanor and punished accordingly.”

73. I thought that clause had been repealed?—No; the only clause repealed is section 24. That is repealed by section 6 of the Amending Act. The other clauses relating to the opening and the mode of opening remain.

74. Have you the Amending Act there?—Yes; there it is—[*producing the same*]. In the original clause they gave the authority, but they did not say where, or the mode of opening. The clauses 25 and 26 of the original Act remain unrepealed. You will observe that only section 24 is repealed.

80. Section 6 provides that any letter “suspected to be posted or to contain an enclosure in fraud or violation of this Act or any regulation thereunder or of any Customs Act or to contain any obscene enclosure, and every letter packet or newspaper as aforesaid posted at the General Post Office may be there retained and dealt with”?—Yes.

81. But clause 7 gives you power to open or unfasten any packet you suspect to be posted in fraud or violation of this Act?—Yes; any packet.

82. Where do you draw the distinction between a letter and a packet?—I would define a letter to be correspondence or writing of any kind; a packet would be simply an article of merchandise, or printed matter, or something distinct and different altogether from correspondence. A packet would be in the shape of a parcel, often made up in a box.

84. Would you consider an envelope containing a quondong and a brooch a packet or a letter?—It very much depends on the way it was done up. I should say, looking at this of Mr. Raphael's, that it was a letter to all intents and purposes, from its present appearance.

T. W. Jackson,  
continued,  
31st Dec. 1880.

84. Clause 6 gives you only power to send such a letter suspected of fraud to the Dead Letter office?—Yes.

85. If you had a packet you would have power to open it?—Yes.

86. I want to know under what clause the Post-office did open that, because clause 6 seems to only authorize you to detain it at the Dead Letter office?—This letter, I apprehend, must have been opened at this office, under that clause of the Act. I do not know whether this particular one was. I have never, to my recollection, seen this before. But as to packets, I may just explain, that on the 17th or 18th of October there were a number of packets or parcels which were detained, most of them made up in brown paper, if I remember rightly, and enclosed in boxes, which were opened at the instance of the Commissioner of Trade and Customs by myself in the presence of the Commissioner of Trade and Customs, Mr. Clark, and of the Collector of Customs, Mr. Howden. All those parcels were in boxes, and all contained jewellery of one kind or another, and no correspondence at all.

87. *By Mr. L. L. Smith.*—Have you not also, suppose you felt this, and imagined it contained money, the power to open it?—No.

88. You have this power then—you can send that letter to the resident, say to myself, and you say directly that is supposed to contain money,—“Registered—sixpence to pay,”—is not that so?—Yes.

89. *By Mr. Zoex.*—If a man does not register a letter containing money have you the right under the law to demand the sixpence?—Yes.

90. *By Mr. L. L. Smith.*—That being done, and say I, the recipient of the letter, refuse to pay that sixpence, what do you do with that letter then?—The letter is brought back to the Dead Letter office, opened there, and treated as a refused letter. In that case it is opened, and returned to the sender.

91. To follow that out, suppose you had a letter came to you by the mail supposed to contain money or something of value, what course do you pursue then; never mind about coming over the Border or the Customs, but confine yourself to the ordinary delivery?—Except it were supposed to contain an enclosure of value, it would be delivered in the ordinary course. If it were supposed to contain an enclosure of value, it would be registered under that Act and a fee demanded and the letter delivered; but if the addressee refused to take it, the letter would be brought back to the Post-office, opened, and forwarded to the sender.

92. Why do you impose that sixpence?—For the security of the letter, and in justice both to the sender and receiver. There is also this provision in the Act, that a letter may be opened in the presence of the person to whom it is addressed, and if not found to contain any enclosure of value, the fee is at once remitted.

93. Now, presuming a letter is returned to you, and presuming there is no address of the sender in it, how do you stand then?—A record is kept; the letter is entered in a book in the Dead Letter office, and it is retained here until application be made for it.

94. A letter coming over the Border may be detained?—Yes.

95. What is your course of procedure there?—The only circumstance under which it would be detained there would be when it is reasonably suspected to containing an enclosure chargeable with Customs duty.

96. You notice, if you please, that letter was not originally registered?—No.

97. That is, to all appearances?—Yes.

98. I then find here “6d. to pay”; that was put by the Post-office authorities here?—Taxed here evidently.

99. Is that the ordinary course of procedure?—That is the ordinary course of procedure in sending it from the Dead Letter office—a letter known to contain an enclosure of value.

100. Why did it go to the Dead Letter office before it was offered to the intended recipient?—I can only presume that this was detained at the request of the Customs authorities, on the ground that it contained an enclosure of value.

101. What officers of Customs are in the Post-office; have you, as a matter of fact, any officer of Customs in the Post-office for detective Customs purposes?—The Inspector of Dead Letters has been appointed by the Governor in Council a Customs officer.

102. Not by the Act, but by the Governor in Council?—Yes.

103. When?—Some time in October last, at the instance of the present Commissioner of Customs.

104. Was it before or after the receipt of this letter?—Subsequent to the receipt of this letter.

105. You notice this is October 18th?—This must have been opened at the immediate instance of the Commissioner and the Collector, because I remember that on this day—that is, the day this letter was received here, the 18th of October—the Hon. Mr. Clark and Mr. Howden were both here, and it was in their presence and at their request that certain packets were opened.

106. Had you any previous communication with the Commissioner of Customs about it?—Not until the 18th, which I think was on the Monday, the first time I heard anything on the subject.

107. You took no active part in this?—No.

108. Has this ever occurred before?—Yes. I remember in 1872, some eight years ago, Mr. Down, the Collector of Customs at that time, reported to us that some valuable packets of jewellery were being sent through the post, and directions were given for those packets to be checked, and a number addressed to an importing firm of jewellers were stopped, and about £800 worth of jewellery was wholly confiscated at that time, sold by auction, and the results paid into the consolidated revenue.

109. Is that the only instance you can recollect?—I know other instances have occurred, in which articles have passed through the post, and have been stopped. I remember the case of some opium being sent to some Chinamen across the Border, and having been detained in that way.

110. For Customs duty?—For Customs duty.

111. Are those the only instances you can recollect?—Well, there have been others. I remember that early in this year, March last, I got a letter from the Collector of Customs of that day, Mr. Tyler, in which he writes:—"16th March 1880.—SIR,—I have the honor to enclose an advertisement, cut from a publication called *Saturday Night*, dated 28th February, and I am informed that already two watches have been received in Melbourne through the Post-office from Sydney, and I am desired to request that every care may be taken to prevent evasion of Customs duty." He enclosed the advertisement, in which a certain advertiser offers to forward through the post a lady's or gentleman's watch; and certain watches, I presume, were sent in response to this advertisement, and it was against this it was thought necessary to take action.

112. Were those the only instances?—I am aware that many other instances have occurred. Quite lately, yesterday, I saw a wooden box containing a watch received by last mail from England, the value of which was estimated at £20, and the duty was £4 on that.

113. What did you do in that case?—Notice was sent to the person to whom the packet was addressed.

114. *By the Chairman.*—Do you see any objection to the law being altered, so that it would be incumbent on you in all cases to send notice to the person whose letter is stopped?—Not at all; because I believe that in by far the larger number of instances they are sent without any intention to defraud the revenue.

115. You would be in favor of sending notice to the addressee?—Most certainly I would.

116. *By Mr. L. L. Smith.*—You have told us those are the only instances in which a letter is detained—are you not aware also that, presuming you fancy that it contains a liquid, you will stop it?—Yes, in that case; because it is supposed to be liable to damage the other contents of the mail.

117. Are you not aware, also, that if it contains any material that is likely to be injurious, such as dynamite?—Yes, any explosive substance.

118. Are there are other instances in which you can stop a letter?—That would not be a letter, that comes under the packet regulations; a letter will never contain anything of that kind.

119. I am alluding to a letter now. Supposing you imagined there was a deleterious article in that letter that would be injurious to the officer handling it at the Post-office, and also dangerous for delivery, would you or not be able to detain that letter; and, if so, under what rule?—I think there is a clause of the Act by which it is made a penal offence to enclose anything of that nature in a letter. Clause 83 provides that if any person shall enclose "any explosive, dangerous, or destructive substance or liquid, or any matter or thing likely to injure any letter, packet, or newspaper, or the person of any officer or servant of the Post-office, he shall be guilty of felony, and shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding seven years."

120. Have you not also another means of stopping letters—namely, if they have got anything offensive on the outside addressed to the recipient?—Yes.

121. Under what clause does that come?—That is under section 6 of the Amending Act: "Any letter, packet, or newspaper having anything blasphemous, obscene, offensive, or libellous written or drawn on the outside thereof."

122. You see there are more cases than you stated at first in which you can detain a letter?—Yes.

123. Are there still any others you can think of—any other reasons for which you can detain a letter?—For no reason whatever, except it be defined in that section.

124. In all those cases of detention have you the power of opening; if not, what do you do?—In the case of a letter suspected to contain an enclosure contrary to the Customs law there is power to open.

125. I am asking, not as to the Customs law, but in the cases of the others supposed to contain so-and-so; under what power can you open those?—Clearly under the 26th, 27th, and 29th clauses, authorizing the opening of those letters on receipt at the General Post Office.

126. Is that in all the cases you have spoken of?—In every one.

127. That being the case, there is something there about orders; who makes those orders, and are they certified to under the Governor in Council?—No, there are no regulations at all, not defining the manner in which letters shall be opened.

128. Do you indiscriminately use your own judgment whether you shall open a letter?—That is provided for in the Act.

129. The Act says, in violation of this Act "or of any regulation or order made under the authority of this part"?—There are no orders.

130. Then how can you open a letter?—That refers to any orders that may be made. There is no express order. A letter is opened under the authority of the Act.

131. *By the Chairman.*—I thought the authority of the Act was to be used only in compliance with the Act—it is certainly impossible to know there is an obscene enclosure till you open the letter?—We do not open a letter even upon the suspicion of such a thing.

132. *By Mr. L. L. Smith.*—When you open a letter, and you find it does contain a matter of value, or other cause that you have had for opening it, do you then return it to the sender, or do you give an opportunity to the person to whom it is addressed to receive it?—Notice would be sent, if it contained an enclosure of value, to the person to whom it is addressed.



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133. Is that the practice?—Now it is the practice in regard to those packets detained containing Customs enclosures chargeable with Customs duty.

134. I often receive from you a letter in which you say—“there is a letter now lying at our office addressed to you containing money”?—Yes.

135. Do you not often send, saying that there is a letter lying here at our office containing money for you?—Yes.

136. Under what circumstances do you do that?—Because the letter being opened, and found to contain an enclosure of value, it is regarded as the property of the person to whom it is addressed, and if it had not contained an enclosure of value it would have been returned to the sender without notice. That is only in the case of a letter being posted without any stamp.

137. If a letter is addressed to a person without being stamped you would then have the power of opening it?—Yes.

138. Under what clause?—Section 6 :—“Every postmaster or other officer of the Post-office shall transmit to the General Post Office without delay any letter packet or newspaper having no postage stamp thereon.”

139. Is that the case also if it is insufficiently stamped?—Oh! no; in that case double the deficiency is charged, and the letter forwarded.

140. *By the Chairman.*—Has any regulation been made providing that notice shall be sent to a person to whom any letter is addressed, and which is detained, from the supposition that it contains articles defrauding the Customs?—No regulation has been made to that effect; but I gave instructions recently to the Inspector of Dead Letters, that before any packet of that kind is opened, notice shall be sent to the addressee, in order that the packet may be opened in his presence, and that he may be able at the outset to see that the enclosures have not in any way been tampered with.

141. When they open a letter do they read the correspondence?—They are supposed not to read the correspondence.

142. Then, if they did not, when they opened this letter addressed to Mr. Raphael, why was it forwarded to him?—I did not know that there was any correspondence in this letter.

143. Yes, there are the contents—[*handing a letter to the witness*]—Why did not they forfeit the jewellery if they did not read the letter?—I presume the reason was that the Commissioner of Customs allowed the packet to go forward because the enclosure was second-hand, or something of that kind; it was really liable to duty although second-hand.

144. Could you produce the person who opened the letter?—The Inspector of Dead Letters. I remember there were a number of packets opened about this time, some half-dozen in one day. I know that the others contained watches, second-hand watches, sent for repair, and jewellery sent for repair; but one or two of the packets contained enclosures that were evidently sent for sale. One packet, I remember, contained something like 36 dozen of brooch-pins sent in the ordinary course of business. Those watches and other packets of second-hand enclosures were allowed to go forward as not being fairly chargeable with duty.

145. What course does a letter take—take this letter for instance, received in Melbourne—tell us the course it took; who intercepted it, to whom did he refer it, and so on?—The ordinary course for any letter or packet of this kind is—it first goes through the hands of the receiving clerk below in the mail room, and if he or the man who opens the bag or sends the letters through has reason to believe that it contains anything contrary to the Postal or Customs law, he sends it unopened to the Dead Letter office. The Inspector of the Dead Letter office is an officer of Customs, and he opens the letter in the presence of some other officers of the Dead Letter office; or, according to more recent practice, the person to whom the letter is addressed is invited to attend.

146. The past I refer to?—The usual course has been to open the letter in the presence of another officer, and not to read the contents under any circumstances, except so far as is necessary to discover the sender or the proper addressee.

147. How could you discover whether it was in fraud of the revenue without reading the letter?—You can tell from the enclosure; for instance, if it is jewellery, you can tell whether that is chargeable with duty without looking at the letter.

148. This was an enclosure of jewellery?—Although chargeable with duty, the Commissioner might not enforce it, because it was second hand, or of no material value probably.

149. How many letters have been stopped in the year 1880?—Until the beginning of October, until this occurrence, I have no knowledge of any letters that were really stopped at all. I would not like to say for certain, but I have no knowledge of any. However, the Inspector of Dead Letters would be able to tell you.

150. *By Mr. Zox.*—Is there any other gentleman in the office who can give us more specific information in reference to this particular letter—my reason for asking is, that you say, to your recollection you never saw it till to-day?—To my knowledge I never saw it. I know of the entry made at the time. I know that on the 18th and 19th the Commissioner of Trade and Customs came here with the collector, Mr. Howden. He had caused, in the first place, a number of packets to be stopped, and sent up into my room, and among the packets opened on the first or second day there was one addressed to Raphael Bros., but I cannot identify this as the cover of it. In fact, I believe it was not the cover of it, because every one of those packets that were opened by myself, in the presence of the Commissioner, were confined in boxes, and, from the entry that I made, the packet that was addressed to Raphael Bros. contained a brooch and pendant of quondong stone engraved, and I think something else; but in none of the packets that I opened was there any correspondence whatever.

151. Is there a record kept in the office of every letter that has been opened or detained—every packet that has been opened or detained, and the reasons why the authorities opened and detained them?—Yes; there is a description of every packet found to contain an enclosure of with the sender, the addressee, and the contents in columns. The whole thing is there.

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152. And the result?—I think so.

153. Are you certain about that, because in our report I should like to recommend it if not?—There is a record in the office I am sure. I think it is so—that the book will show there is a record of every transaction of this kind.

154. The sole responsibility, if I understand you correctly, rests upon the Inspector in the Dead Letter office of opening such letters?—Entirely.

155. The Act says that two persons shall be appointed for the express purpose; are those two appointed?—Every person appointed in the Dead Letter office is appointed in that way.

156. The Act says “two”; are they appointed, and what are their names?—There are no two persons expressly appointed for the purpose of opening letters of this kind, but all the persons employed in the Dead Letter office are expressly appointed to open letters in conformity with those sections.

157. Is not that an evasion of the Act; the Act says distinctly that two persons shall be appointed under authority?—Excuse me, the Act says, “Every, letter, packet, and newspaper which shall be opened under the provisions of this Part of this Act shall be opened by not less than two officers of the post office specially nominated for that purpose”; it is not less than two.

158. And are those specially nominated?—Those are; they are appointed to the Dead Letter office, and then they have to make a declaration—“Every such officer shall, before he shall enter upon his duties in this respect, make and subscribe before a justice a declaration in the form set forth in the third schedule to this Act; and if any such officer shall act contrary to such declaration, he shall be guilty of a misdemeanor and punished accordingly.” All the officers in Dead Letter office have made that declaration.

159. If I understand you correctly, you think it would be better for the future proceedings of the Postal department if a written communication were forwarded to the owner of the letter supposed to contain articles dutiable or any other informality?—I certainly think so in the former case, except where there is some apparent intention to defraud.

160. *By the Chairman.*—Even then you cannot condemn a man till you have heard him. Suppose a man in England consigned to me a hundred watches, and I knew nothing about it, surely you have a right to send me a notice?—I may mention that when this question was raised we took the opinion of the Crown Law officers.

161. Never mind the Crown Law officers; we value your opinion more than theirs to suggest any alterations with respect to the law as to detaining or delaying or opening letters. We have so high an opinion of your knowledge of the Post-office that we would prefer your practical opinion to theirs?—I have not any hesitation in saying that notice should be sent in the event of any letter or packet being detained; but I have a little doubt as to whether it may not be expedient in cases where there is some manifest intention to defraud that we should not be bound to send such notice in such a case.

162. Can you suggest any objection to doing so even in that case?—I do not know that any harm would accrue in sending notice, whatever penalty may be incurred.

163. *By Mr. Smith.*—Can you take us over the Post-office now, and show the whole course how a letter is received—how it is examined first, how it is handled, and altogether what is done with it till it reaches the Dead Letter office?—Yes.

164. *By the Chairman.*—As a matter of fact, have you known since you have been in the Post-office, any letter not containing something contraband by the Customs Act, to have been opened?—I am very glad you have asked that question, because I can answer it distinctly, that during all my years in the Post-office I have never known a letter to be opened upon the suspicion of containing anything contrary to law where that suspicion proved to be ill-founded. I never knew a letter to be opened, under such circumstances, that was found not to contain an enclosure that was contrary to law.

165. Have you known any letter, not containing any enclosure at all, to be opened—is it the case, for instance, that the police detectives, or any one, has any access to correspondence not supposed to contain anything contraband?—I am glad you have asked that question also, as it gives me opportunity to say most distinctly, that no person in the whole colony, from the head of the Government downwards, has power over, or access to, any letter; nor has any police detective, or other person, ever had authority to open a letter, or to obtain even particulars in regard to a letter.

166. Have any letters been opened during the time you have been connected with the Post-office for the purpose of detecting crime?—Never, in any single instance that I can remember, except in the case of the Kelly outlaws when the authority of the Governor in Council was obtained for the detention of certain letters.

167. *By Mr. Zox.*—Are the gentlemen in the Dead Letter office who open those communications sworn to secrecy?—They have to make a declaration before some justice of the peace to that effect, and any violation of the secrecy to which they are sworn renders them liable to prosecution for misdemeanor.

168. Then every officer there is required, if necessary, to act in the capacity the law prescribes?—Yes.

169. Then every man in the Dead Letter office does take this affidavit whether he opens or not?—Yes.

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continued,  
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170. *By the Chairman.*—Frequently there are advertisements in the papers, have you noticed, inviting money to be sent to certain persons for certain information with regard to their heirship, next of kin, and so forth, and a systematic swindle has been carried on; now your answer would cover that ground—that none of those letters were opened?—Under no circumstances whatever.

171. *By Mr. Zox.*—They could not be without your authority?—Under no circumstances whatever; and moreover, so jealously do we guard that, that even the sender of a letter could not obtain access to it to put in any enclosure or to alter it in any way.

*The witness withdrew.*

*The Committee*, under the guidance of the Deputy Postmaster-General, made a tour of inspection through the various departments of the Post-office, noting specially the course a letter would take in its entire progress through the office.

*Adjourned to Tuesday, 25th January 1881.*

THURSDAY, 7TH APRIL 1881.

*Members present:*

MR. CARTER, in the Chair;

Mr. Deakin.

Mr. Zox.

Mr. Thomas Ford Clerke, Inspector of Dead Letters, examined.

Mr. T. F. Clerke,  
7th April 1881.

172. *By the Chairman.*—You are the officer referred to by Mr. Jackson?—Yes.

173. Have you any record of all letters opened by your office?—All letters containing valuable enclosures and registered letters—other ordinary letters are returned without any record.

174. Have you any record of letters opened because they were suspected of being in contravention of the Post Office or Customs Act?—Yes, certainly I have.

175. Could you produce that register?—Yes.

176. Or any other letters, except those opened for technical reasons?—Every letter that is opened, containing valuable enclosures, is registered.

177. *By Mr. Zox.*—Do you enter in a book kept for the purpose the reason that actuates you in opening any communication that passes through the Post Office?—Yes, the same book contains all the information.

178. *By Mr. Deakin.*—Do you register every letter that you open?—Certainly not; nothing except those covering value of some kind or other. We could not register every ordinary letter.

179. You open a large number of letters from one cause or other?—Yes.

180. Some of those you register, and some you do not register?—Yes.

181. Will you enumerate first of all the classes that you register?—I can only state what I said before—we register everything of value; every letter covering valuable enclosures.

182. That is the only kind you register when you open them?—Yes.

183. Then there may be letters opened which do not contain, or are not suspected of containing, articles of value?—Thousands.

184. Opened?—Yes, ordinary dead letters, for instance.

185. But none of those are registered?—None of them.

186. Not if they are dead letters?—Not if they are dead letters, except, as I have explained, they cover value.

187. And not if they are opened for any other reason, not being dead letters?—I do not precisely understand.

188. Are any letters opened that are not dead letters, and that are not suspected of containing articles of value?—Yes, letters posted unpaid are not dead letters.

189. Excepting those?—Nothing.

190. Nothing else?—Nothing.

191. *By the Chairman.*—Were there any letters opened because it was supposed they contained information respecting the Kelly gang?—No, not to my knowledge; not by me.

192. Mr. Jackson says, “Never in any single instance, that I can remember, except in the case of the Kelly outlaws, when the authority of the Governor in Council was obtained for the detention of certain letters”?—Yes, there was such authority, and several letters were delivered to the Postmaster-General, but they were not dealt with by me.

193. *By Mr. Deakin.*—You say then that a certain number of letters are opened, but they are either opened for some technical defect, such as postage unpaid or they contain articles of value—in only those two classes are the letters opened by you?—That is all.

194. *By the Chairman.*—And the only ones registered are the ones that contain articles of value?—Yes.

195. *By Mr. Deakin.*—To your knowledge are any letters ever opened for police purposes, that is because the police suspect any individual or individuals?—Never in my experience.

196. Never?—Never; of course after they leave my hands I do not know what happens.

197. *By the Chairman.*—How, after they leave your hands?—If, under the Governor’s authority, I deliver to the Postmaster-General, I do not know what is done with them.

198. *By Mr. Deakin.*—You are then aware that they are used for a special purpose?—Yes.

199. *By the Chairman.*—Upon how many occasions, can you remember, during the last twelve months have letters been given up by you under an Order in Council?—I think, certainly, not more than three or four times.



200. *By Mr. Zox.*—Does the warrant of the Governor in Council contain the reason why the letters are to be given up?—Yes, in all cases.

201. *By the Chairman.*—Could you show us a copy of one of those warrants?—Yes, certainly.

202. And the record you keep of the letters?—The book.

203. Yes?—I will.—[*The witness withdrew, and, after a short time, returned, bringing the book and papers asked for.*]—This is the form that the Governor's warrant runs in—[*handing a paper to the Chairman.*]—In that case it simply applies to deceased persons. That is the form upon which any authority of the Governor in Council would be applied for.

204. *By Mr. Deakin.*—This is very wide—it covers the whole range of letters?—That is the first I laid my hands on; but the warrants are all the same in form.

205. *By the Chairman.*—Have you no other form, nothing beyond the case of an executor?—Nothing beyond that form—that is all we ever use.

206. *By Mr. Deakin.*—You have nothing to do with the recommendation made—you have to deal only with the Order in Council?—Certainly, that is all.

207. Of course, those merely formal recommendations are most common, but are you acquainted with any instances where the recommendations were not merely formal—for instance, the Kelly gang or for police purposes?—I cannot call any other cases to mind. I do not know what the form is exactly, but, I presume, it would be the same as that.

208. *By the Chairman.*—Why have not you got those cases?—They do not rest with me, they pass out of my hands—that had properly passed out of my hands to the secretary of the department, but I got it from him.

209. *By Mr. Deakin.*—That authorizes you to deliver to the Deputy Postmaster-General?—Yes.

210. Is there any public notification of an order of this sort?—No.

211. They are not gazetted?—No.

212. The public outside have no idea how many Orders in Council have been issued, or to whom, or for whose letters, or anything about them?—No.

213. I see that one of these warrants in that case—for instance, in the case of a deceased man—covers a whole range of letters, it is not one particular letter?—No, any letter addressed to that person.

214. That might be the same in other cases?—Yes, if the police suspect any person, for instance. This is the book—[*producing and explaining the same to the Committee.* *The Committee ordered it to be recorded that they found that in the month of March there were 308 letters stopped and opened, the majority of which were opened because they were suspected to be in violation of the Customs Act; and that in the week of April already passed 54 were stopped and opened, of which 26 were stopped because they were supposed to be in violation of the Customs Act.*] These may be called letters, because the letter rate was paid upon them, and were opened on behalf of the Customs; the contents having been found to be valuable, they were entered in the book—[*producing three packages.*]

215. *By Mr. Zox.*—Do not you think that, in the majority of the cases where these are opened, there is no intention of the sender to defraud the Act?—In these cases there is not; they are mostly presents. I may mention that many of the cases are really in violation of the Customs Act, for they are articles sent for repair, and the Act does not make any exception for old jewellery, though they pass them afterwards, that is, as far as I am acquainted with the Customs Act.

216. *By the Chairman.*—You are sworn as a Customs' officer, are you not?—Yes, for this special purpose.

217. Therefore you do understand the Customs Act?—I have always understood that they were in violation of the Customs Act.

218. Will you look at your book, and tell us exactly how many letters were stopped in the month of March last because they were suspected to be in violation of the Customs Act, and how many of those were found to be actually in fraud of the Act?—There were 131 opened on behalf of the Customs out of 308.

219. And of that number how many have the Customs seized for duty?—Twelve upon which the Customs claimed duty, and the duty was paid.

220. *By Mr. Deakin.*—You sent to the people, and made them pay duty?—Yes, claimed by the Customs.

221. *By the Chairman.*—Do you happen to remember anything of the opening of this letter addressed to Mr. Raphael, on the 19th of October?—I do not recollect the particular packet.

222. It was a letter, in an ordinary envelope; can you give us any information about it?—Nothing further than as entered in the book. It will be there.

223. Will you turn to the 19th of October, and show us the entry in that book?—Yes.—[*The witness did so.*]—This is the entry—I presume this is the packet referred to.

224. According to your book, the letter addressed to Julius Raphael, which is the subject matter of this investigation, was not received at your department until the 22nd of October?—Certainly.

225. Are you able in any way to account for its retention in the office from the 19th to the 22nd?—I can only say that the Customs seized some packages.

226. *By Mr. Deakin.*—Who is "the Customs"?—The head of the Customs department, and another officer came and seized some packets.

227. How did they know it was here?—I cannot say as to that; they must have come upon their own knowledge.

228. You only received it upon the 22nd?—Yes. It left me upon the same day.

229. Had that been opened before you got it?—I could not say.

230. You say opened upon the 22nd?—That is, opened by myself.

231. Had it been opened before that?—I could not say.

232. Do you ever get letters that have been opened before?—Yes, frequently; opened by other people.

233. Opened in the department?—By people outside, and some may have been opened by accident. This date is the time I open it; but if I receive a letter opened, it is impressed with a stamp—"Received open in Dead-letter office."

234. Would it not be well to put a record in this book when you receive a letter opened?—The envelope ought to show it.

235. How?—In an ordinary letter, at all events.

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continued,  
7th April 1881.

236. You do not know whether this particular letter was received opened or closed?—No.

237. If you made an entry in the book to show whether it was received opened or closed, it would be evidence whether it was so or not?—Yes; I never thought of it before.

238. You are the responsible officer who alone in the department is sworn to open letters?—The other officers in the Dead-letter office are sworn in; I alone do not open letters.

239. Mr. Jackson says you are responsible. He is asked—"The sole responsibility, if I understand you correctly, rests upon the inspector in the dead-letter office of opening such letters"? His answer is—"Entirely." If the responsibility rests upon you, surely you should know if you receive letters opened or closed, and if you received letters opened previously there should be an entry in the book otherwise any official in the office might open it?—The letter should show that, stamped—"Received open in the Dead-letter office." This particular one may have slipped through without notice.

240. You cannot tell us whether this particular letter was detained by the Customs?—I cannot say; several about that time were detained by the Customs.

241. Of course letters are sometimes brought to you opened by some person to whom they have been delivered by a mistake in the address. You never receive articles, letters detained in this department because they are supposed to contain articles, in contravention of the Customs Act. You never receive those open?—Never.

242. The only ones you receive opened are those received, opened by some person to whom they were delivered, in consequence of a wrong address?—Yes.

243. *By the Chairman.*—Have you received any instructions from the head of the department, that before any packet of that kind, that is supposed to be in contravention of the Customs law, shall be opened notice shall be sent to the addressee: in order that the packet might be opened in his presence, and that he may be in at the outset, to see that the enclosures had not in any way been tampered with?—Only where firms apply. Two or three firms have applied to be informed.

244. I ask you if you have received any instructions from the head of the department, to send notice to the addressee, before any packet, that is supposed to be in contravention of the Customs law, is opened, so that he may be present at the opening?—Yes, in one or two cases.

245. Do you mean that the instruction you have received is only to apply in one or two cases?—Yes; this instruction applies to packets belonging to certain firms who asked to be notified, and in that case we do it, and not in other cases.

246. I ask whether you had an instruction from the head of the department, that you are in every case to send out to the person to whom the letter is addressed, so that he may be present at the opening?—No.

247. *By Mr. Zox.*—But you have done it in individual cases, upon the application of the three or four firms to whom the letter is addressed?—Yes.

248. *By Mr. Deakin.*—How long has that been in force?—Since October last, or about that time.

249. *By the Chairman.*—Have you a written instruction upon this matter from Mr. Jackson, how you are to deal with those particular firms. You say the application was made in October; had you the instruction in writing?—I have, upon the application of a firm, not otherwise.

250. I would like to read what Mr. Jackson says, he says—"I gave instructions recently to the Inspector of Dead Letters that before a packet of that kind was opened"—you see, that is not any particular firm, but any packet—"notice should be sent to the addressee, in order that the packet may be opened in his presence, in order that he may see that the enclosure has not in any way been tampered with." Now, either he gave that instruction or he did not. If you have the instruction, would you produce it?—I have no such instruction.

251. Would you kindly produce the instruction that you have?—[*The witness produced certain papers.*] This is the correspondence upon which I acted; beyond that I know of no instructions; it is only in special cases.

252. You have no general instruction from Mr. Jackson?—None.

253. *By Mr. Zox.*—Can you tell the Committee the names of the firms with whom you have communicated in reference to parcels that have been addressed to them, and supposed to contain goods in contravention of the Customs Act?—Yes; this firm was one—Falk and Walsh Bros. I do not recollect any others.

254. Did they assign any special reasons why they desired a communication of that sort?—In this particular case, Falk's case, the importation was principally precious stones, diamonds, etc., which they did not wish to be touched, being so valuable; that is the reason they assigned.

255. *By Mr. Deakin.*—In the correspondence I see this:—"It has not been the practice of this office to notify the detention of letters, etc.; but where detention is enforced, information is then conveyed of the fact to the persons interested"?—Yes, that is because the goods are seized.

256. *By the Chairman.*—In other cases you open a letter, and if you find there is nothing wrong you send it on?—Yes.

257. *By Mr. Deakin.*—This firm make complaints of the detention of the letters and opening of letters, and ask that they might receive notice before letters are opened, and this gentleman replies that, except for the presence of a stranger in the office, he does not see any objection to it, and upon that Messrs. Falk do get notice?—Yes, and they have done ever since. If Mr. Jackson interpreted that as a general order I certainly did not so understand it.

258. This is not a general order; it says, "Advise Messrs. P. Falk that this is to be done." What is the usual time in which a letter detained, or a packet detained, because it is suspected as being in violation of the Customs' law, from the date upon which it is stamped as received in this office, reaches you?—Within an hour or so.

259. Within an hour of its receipt here?—We generally get them up by ten o'clock, about an hour after the usual time of opening the office. For instance, if the mail arrived now from Sydney, that packet may not be detained ten minutes; on the other hand, if it arrived in the middle of the night, it might be some hours.

260. Then who detains it in the first instance?—Any officer into whose hands it comes.

261. You are bound to open all that are sent to you?—Yes.

262. *By the Chairman.*—First the letter goes in in an hour or two; next, any officer can send it to you to open it?—Yes.

263. And you are bound to open all that are sent to you?—Yes, for the Customs.

264. That being the case, do not you think it is very desirable to keep a record in your book as to whether you receive a letter open or shut?—I see now that it might be; I did not think of that before.

265. *By Mr. Zox.*—Mr. Raphael, in his evidence, says that the date of the letter that he complained of being opened was the 17th October?—That would be the date in Sydney.

266. Yes, that is correct, I presume, because he saw the envelope?—I do not mean to dispute that.

267–8. It reached the Post Office, according to his evidence and the evidence upon the letter, upon the 19th of October, and he never received it until the 22nd of October. I want to know how it is that, if only one hour should elapse, or usually elapses, in the office, this special letter, addressed to Mr. Julius Raphael, took three days from the time it was received at the Post Office to its delivery?—I can only explain that as before, that it was seized, amongst others I presume, by the Customs' officers, and kept by them.

269. *By Mr. Deakin.*—What did they do with it?—I did not say that particular one.

270. Have they been in the habit of doing this kind of thing?—No, not since I was appointed; before I was appointed they did seize them themselves.

271. You were appointed at this time?—I was not gazetted as a Customs' officer till November; I simply opened the letters as a dead-letter officer, under the authority of the Post Office Act.

272. *By the Chairman.*—Prior to that you had two officers stationed here?—They came in the morning and seized these, and kept them till they decided what they would do with them.

273. *By Mr. Deakin.*—They were seized and dealt with outside of your department altogether?—Yes.

274. *By the Chairman.*—I understood that before; the two Customs' officers came up for this special purpose?—Yes.

275. And now, you and two gentlemen in your department are sworn in as Customs' officers?—Yes.

276. So that you, and you only have power to open the packets?—Yes.

277. And any officer who may suspect a letter, may send it up to you to be opened?—A packet, not an ordinary letter.

278. Can you tell me how many letters were opened in connexion with the Kelly gang enquiry?—I could not say any were opened.

279. You handed them over—how many did you hand over?—Three or four, I think.

280. You do not know by whom they were opened?—No.

281. By whose authority did you hand them over?—The Postmaster-General's, upon the Governor's warrants, as I understood. I did not see that particular warrant.

282. Then, though you are a special officer appointed to take this responsible position, the head of your department can at any time come and supersede your action, and say, "I want them without a warrant"?—I should not feel justified in refusing him if he asked for letters.

283. *By Mr. Deakin.*—How is it that you come into the case at all, when there are suspected letters, why are you the person to whom authority is given to stop letters, why are they not stopped anywhere else?—I presume, any postmaster could stop a letter under the Governor's warrant; the same as I should, and forward them to the Postmaster-General.

284. We have no guarantee, that because you are the only person appointed, they only pass through your hands?—All the officers are bound by the Act and the regulations.

285. You have no particular reason for assuming that all letters detained, as suspected, necessarily pass through you, they may be detained by any other officer and not pass through your branch; there might have been thirty or forty letters about the Kelly business detained in some other part of the building, since they are only sent to you when they are to be detained upon Customs' business?—Just so; for instance, if the postmaster at Beechworth returned a bundle of letters to the Postmaster-General, I should know nothing about it.

286. *By the Chairman.*—By the head of the department, you mean the permanent head?—Yes.

287. Would you feel bound to deliver letters to the political head if he were to demand it?—Certainly, he is the absolute head.

288. You say any postmaster could open?—Not open; he could send them to the Postmaster-General without their passing through me at all.

289. The postmaster may open any packet, but not open any letter?—Yes. There is another firm that claims to be dealt with in the same way; this is one of the banks, the Colonial Bank.

290. You stated that if the permanent head, or the political head were to ask you for any letters you would feel bound to give them to him?—Certainly.

291. At any time has the political head, or the permanent head of your department, ever asked you to give up some letters?—Yes.

292. And you have done so without a warrant from the Governor in Council?—Yes, several times, in the course of business.

293. Which of the two, or both—was it the permanent head?—Always the permanent head.

294. The political head has never asked you?—The political head has never asked me.

295. *By Mr. Deakin.*—Do you know for what reason the permanent head asked for those letters upon occasions?—Principally for deceased people, applications from relatives.

296. Principally?—Yes, they are so generally.

297. But that was without an order from the Governor in Council?—Yes, without an order from the Governor in Council.

298. So that the Order in Council is a form that may be used or not?—It may be so with regard to letters received and just handed over.

299. But we do not speak of letters merely taken and handed on, but letters taken and opened?—Yes.

300. That has happened?—Yes.

301. Often?—Yes.

302. *By Mr. Zox.*—Do you know of any regulations under the Act for your receipt and opening of letters?—None that I am aware of beyond the general regulations.

303. *By Mr. Deakin.*—Are you in the habit of consulting the Act to see your duties as laid down there?—Yes, I think I know it pretty well.

*The witness withdrew.*

Thomas W. Jackson, Deputy Postmaster-General, examined.

T. W. Jackson,  
7th April 1881.

304. *By the Chairman.*—In answer to question 127, the question was—“That being the case there is something there about orders, referring to clauses 26, 27, and 29 of the Act; why should you make those orders, and are they certified to by the Governor in Council?—No, there are no regulations at all, not defining the manner in which letters shall be opened.” To-day, in examining the Inspector of the Dead-letter Office, he produces orders by the Governor in Council, therefore it would appear that there is a discrepancy between his evidence and yours, and we want to reconcile that?—I would explain that there are no regulations as stated in my answer to question 127, under which these Orders in Council are obtained; but the Orders in Council are obtained by direction of the Minister chiefly in the case of letters addressed to persons deceased; and there are no specific regulations as to the manner in which the letters shall be opened. The Order of the Governor in Council is obtained for delivery of the letter to the Deputy Postmaster-General, and then upon him devolves the responsibility of disposing of this letter in accordance with the authority of the Minister, and according to the equity or the circumstances of the case. There are no specific regulations as to how these letters shall be dealt with. I never open letters at all.

305. I see what you mean—are orders from the Governor in Council obtained only for letters for a deceased person?—Chiefly so, in 99 cases out of 100. I remember one or two instances in which a case has occurred where the sender of a letter has posted some enclosure by mistake, and it has been represented as a matter of extreme importance that that should not go forward. As a rule, we decline to comply with requests of that kind; but in one or two exceptional cases, when it has been shown to be a matter of extreme urgency, the Minister has given authority for the direction of the Governor in Council to be obtained in such a case, for the letter to be returned to the sender; but in very few instances during many years past has that occurred. The Orders in Council are almost exclusively confined to the delivery of letters addressed to persons deceased.

306. Are the great bulk of the letters opened without any authority from the Governor in Council—those in the book?—Those in the Dead-letter Office, yes; no Order in Council at all; they are opened under another section of the Act, which empowers the Postmaster-General to return letters to the sender or otherwise to dispose of them.

307. In that respect the dead-letter officer states that you have, as head of the department, at different times asked him for certain letters without any order from the Governor in Council, and he has felt it his duty to give them to you. Would you tell us under what part of the Act you claim power to take those letters from him?—I do not know of any case in which I should call upon the Inspector of Dead-letters to give me a letter, unless it were claimed by the person to whom it was addressed. I have no remembrance of any case in which I have obtained a letter and dealt with it otherwise than in due course of law.

308. We want to find out whether this gentleman, whom you stated to be solely responsible, was acting simply under the authority of the Act, and if the permanent head, or the political head of the department, asked him to go outside the Act, would he do so, and he says he would, he would feel bound to give them to you; and the political head never has asked for them, and you have, and he gave them to you; and these were principally in the case of letters addressed to deceased persons?—Yes, where a warrant was got.

309. But without a warrant?—No doubt he would comply with any order that I should give; but I should never give such an order. [*The concluding questions and answers of the last witness' evidence were read from the Short-hand writer's notes.*] I presume the head of the Dead-letter office means that he has given up letters without the production of the Order in Council, but I can safely say that I never applied for letters unless I had such a warrant.

310. *By Mr. Zox.*—Would not he be the right person to have the warrants before the delivery of the letters to you, or anyone else?—In the majority of instances the warrant is sent to him for the letters in his possession, but sometimes when the executor under a will is particularly anxious to obtain letters, or the widow is particularly anxious to obtain the letters, they would come direct to me, and I, without producing a warrant, may in such a case have sent a memorandum to the inspector of the dead-letter branch—“Have you letters for such a person, deceased; if so, let me have them.” Only in such a case would he give them without a warrant.

311. *By Mr. Deakin.*—I think in all cases, as a mere matter of official procedure, he ought to have the warrant?—As a rule it is done, and as a rule these documents are referred to him, and no doubt I could produce a number of such documents with his minute upon them.

312. Would it not be better in future if he always had the warrant, and never delivered up letters without the warrant?—That could be done.

313. Would it not be much better so?—The warrant is to deliver the letter to the Deputy Postmaster-General, and, strictly speaking, every one of those letters ought to come into my own hands.

314. Would it not be better that the warrant should come into his hands?—No doubt; but he would take my direction, as an officer of my department.

315. We ask because of your answer to question No. 154?—The only exception to that rule is in the cases where there is the express warrant of the Governor in Council; in all other cases the responsibility of detaining and opening letters rests with the head of the dead-letter branch.

316. Is it the case that any letters are opened in any part of this Post Office except those opened by the Inspector of Dead-letters?—I think I can speak quite confidently in saying that no letters are opened in any branch of the office by any officer except by the Inspector of Dead-letters; in fact these letters are not opened where the warrant is obtained; they are simply delivered when the person shows he has or she has an equitable claim.

317. If any Minister of the Crown during the last few years were to state that the police had opened a large number of letters in the Post Office, and had recovered some £30 or £40 of money in stamps and so on, sent for improper purposes, it would be untrue?—I have no knowledge of any such thing.

318. There were some letters, it was stated, were opened in connexion with the Kelly gang—I was going to ask you how many letters. We asked Mr. Clerke, and he said three or four; we want to know by whom, and by whose authority; take them separately—by whom were they opened?—To the best of my recollection there were not more than three or four letters detained.

319. Were they opened under the authority of the warrants of the Governor in Council?—They were opened under the warrants of the Governor in Council—one addressed, if I remember rightly, to Kate Kelly, another to Mrs. Skillian, and the other letters I think were addressed differently; but I am under the impression that those letters were handed over to the police just as they were—sent to the Chief Commissioner of Police.

T. W. Jackson,  
continued,  
7th April 1881.

320. Was an order issued to the different receivers of mails to stop letters addressed to those parties?—There was an order sent to the postmaster of Benalla or Wangaratta, that letters addressed to the Kelly outlaws should be forwarded to Melbourne. Such an order as that was given.

321. How did those letters come to be stopped—they must have been intercepted?—They were intercepted.

322. By whom?—If I remember rightly, the postmaster at Benalla; he stopped, I think, two, and sent them down to Melbourne.

323. *By the Chairman.*—None were stopped here?—No.

324. *By Mr. Deakin.*—The postmasters of the various districts had power to stop letters, and send them back to you?—No, they had not; in this case the officer of police in the district applied to the postmaster and requested—

325. Still upon an order from you?—No; in this case there was no order at all. There were certain letters sent down as being suspected as addressed either to the outlaws or some sympathiser.

326. *By the Chairman.*—By whose authority—the postmaster there would not send down a letter at the instruction of the police?—He sent them to me.

327. *By Mr. Deakin.*—At whose order?—It must have been by the Chief Officer of Police in the district.

328. Without an order from this office at all?—It was done in this way. For instance, he got one letter addressed to Mrs. Skillian, posted at Greta, or Glenrowan, or some place in the district; he thought it was a suspected letter, and he telegraphed down—“What shall I do with it”; I said—“Send it to Melbourne.”

329. You said that upon your own authority?—I said that upon my own authority. I got, or had already obtained the authority of the Governor in Council to deliver those letters to me, though I did not open them, but just enclosed them as they were to the Chief Commissioner of Police.

330. *By Mr. Zox.*—If any person posted a letter, and the postmaster suspected it, would you tell him to send it to you?—If it was addressed to one of the outlaws, or any person nearly connected with them, I would; and at that time, when there was great suspicion and excitement, I would take upon myself the responsibility of ordering him to send them down to me.

331. *By the Chairman.*—You did in this case?—I did.

332. Without any warrant from the Governor in Council?—Yes.

333. *By Mr. Zox.*—Did you consult the Minister?—I think I did.

334. *By the Chairman.*—What was the warrant by the Governor in Council to do?—To deliver the letters to me, and then I handed them over to the police.

335. As a matter of fact you received the letters first, and got the warrant afterwards?—No doubt I did in those cases.

336. *By Mr. Deakin.*—You had to furnish a memo. upon those directions, to furnish letters to the Postmaster-General, stating the reasons?—Yes.

337. What reasons would you give in the Kelly case?—I would say, “Applied for by the Chief Commissioner of Police,” because at that time we had a standing request from the police authorities for any letters addressed to the outlaws.

338. *By the Chairman.*—Had you application from the police in other cases beside the Kelly gang?—Applications have been made in several instances, but we have invariably refused to entertain any such request, except upon the express authority of the Minister, and if the Chief Commissioner of Police were to come or send to me to-day and say, “I want letters addressed to such and such a person, detained in the interests of justice,” I would say “I cannot do it, I must have the express authority of the Minister to do it.”

339. But not an order of the Governor in Council?—The order of the Governor in Council would be obtained before the letters were stopped, but I would not take that step except upon Ministerial authority.

340. *By Mr. Deakin.*—But upon Ministerial authority you would?—I would, until the authority of the Governor in Council was obtained.

341. Have you ever done that?—Yes, cases have occurred, one or two cases, in which sufficient evidence was adduced. There is floating in my memory the case of an absconder who went away, I think, to Sydney, and certain letters were addressed to him, and the police wanted information as to where the letters came from.

342. You mean letters addressed by him, not to him?—By him to his wife or some person in Melbourne, but the cases are very rare, and I have no recollection of the circumstances.

343. *By the Chairman.*—Does it not occur to you that you took a very illegal course in such a case as letters addressed to a wife—a wife in certain cases cannot give evidence against her husband in a court of justice—a wife might write a letter, you detaining that letter the police might become possessed of evidence which they had no legal right to?—No doubt; but I can almost say that a letter is never delivered under such circumstances.

344. It would be an inquisition court?—I say no such case occurred. I was endeavoring to illustrate under what circumstances the police may have made application for a letter, to obtain information as to the whereabouts of an absconder.

345. *By Mr. Deakin.*—It has been done on one or two occasions?—I believe it has been, but I cannot recollect any cases.

346. In the case of the Kellys it may be justified, because they were outlaws and outside of all civil rights?—It was just upon that ground that it was done.

347. *By the Chairman.*—We want to know how it was that it has been said that the police were in the habit of using the Post Office to discover fraudulent people and swindlers, whether it is true or false?—It is not the case, and the police have been sometimes terribly aggrieved because I would not give them

T. W. Jackson, information. I have told them, over and over again, when they applied for information, that they must **get** it in some other way.

348. *By Mr. Deakin.*—When you have exercised that power in connection with the police you have obtained Orders in Council; the Order in Council, I notice, is general; it does not apply to one particular letter; it says, "It is recommended that the Governor in Council order that all letters addressed to the person named, be delivered to the Deputy Postmaster-General;" consequently, in the police cases it would not be one letter, but a series of letters possibly. How long would that be supposed to be in force; when does the power of delivering letters terminate?—I am afraid that some misapprehension may exist in reference to what I stated just now about our having done this—delivered letters to the police. That form is used, I may say almost exclusively, for the delivery of letters addressed to persons deceased.

349. Is there a different form?—There is no different form, but the instances in which any letter may have been delivered to the police are so rare; certainly if it has occurred at all, not more than once in the last ten years.

350. *By the Chairman.*—Cannot you give us that one case?—No, I really cannot call to mind the particular circumstance, but the instances are so rare where we have obtained authority to deliver letters to the police that I cannot recall that case.

351. Should not a record be kept of an important case like that, to relieve the memory altogether?—I will make it a point to keep a record of such a case in the future, but it did not occur to me at the time.

352. *By Mr. Deakin.*—That has been done once in ten years, and it may be done again, and under that regulation it is that all letters be delivered to you, addressed to such a person—when does it terminate. The second case in ten years may occur to-morrow?—It would only apply to meet an exigency that might arise; it certainly would not be regarded as having any permanent effect.

353. In the case of the political troubles that arose in Europe in the time of Mazzini, it was held that you must have a separate warrant for each letter; this covers all letters?—That is applied generally, almost exclusively, to letters for persons deceased, and it is held that one warrant is sufficient to cover all those letters.

354. Would it not be better to have it in the Act that you should have authority to deliver up to administrators or executors, all the letters addressed to a deceased person?—I think so; it comes to the same thing. I prepare a form, and the Minister signs it, and the Governor in Council approves.

355. If you held any property belonging to a deceased person, you would have to give it up to the administrators?—Of course, without a moment's hesitation.

356. So he ought to be able to claim his letters?—May I explain that the warrant is obtained merely pending the issue of the probate of a will, or letters of administration; as soon as those are issued, he gets them as a right, only we get that warrant to prevent the serious inconvenience that would arise from the letters being detained till the probate was obtained.

357. The final resting place of these warrants is where?—In the correspondence branch.

358. The "secretary to the department" the previous witness called him?—They are in the custody of the chief clerk; there is really no secretary to the department.

359. We can find every Order in Council that has ever been issued?—Every one.

360. *By the Chairman.*—They are all upon this form?—I believe so; that form has been in use for a number of years past, when Mr. a'Beckett was Postmaster-General; that is some eight years ago that form was first established.

361. *By Mr. Deakin.*—Is there any other registration beside the retention of this form?—I think not.

362. The only way in which we could tell all the cases in which these orders have been used, and the purpose for which they were used, would be to get out all those papers?—There is no other way.

363. This is only a matter of form; it may not be worth while perhaps to register that, but it might be worth while to register other cases?—I think it may be when the circumstances are exceptional.

364. There is no public notification of the issue of any of these Orders in Council, either for formal or other matters; they are issued, acted upon, and filed away in this department, but no one outside knows of their issue, or their use, or anything about it, and you in the department can only tell by referring by the papers. Now, if it were for the purpose of criminal justice, it may be very undesirable to tell everyone, "I am going to look at So-and-so's letters," but ought not there to be a notification, within some suitable time, in other cases, otherwise letters may never be delivered at all. No one knows it; thus the Kelly letters went to the police, and you know nothing of what has become of them at all?—No.

365. Ought not there to be every year a number of cases where they do not apply to deceased persons?—I do not think, within a number of years past, many instances have occurred, except in the cases of letters addressed to persons deceased, where we obtained that authority.

366. It would be desirable, however, to have a register?—It would be desirable, no doubt.

367. *By the Chairman.*—And where they are stopped in fraud of the Customs, you either send on the packet or the Customs confiscate the goods and send them notice?—Yes.

368. That the letters are detained in suspicion of being in fraud of the Customs, and detained in the office without any notice being sent to the addressee?—No, no letters are now detained without such a notice.

369. In question No. 140 we asked you: "Has any regulation been made providing that notice shall be sent to a person to whom any letter is addressed, and which is detained from the supposition that it contains articles defrauding the Customs?—No regulation has been made to that effect; but I gave instructions recently to the Inspector of Dead-letters that, before any packet of that kind is opened, notice shall be sent to the addressee." The Inspector of Dead-letters appears to have no knowledge of such an instruction. He says that certain firms—Falk, Walsh, and the Colonial Bank—applied that they might have notice sent to them, and he had instructions in those cases; but he says he has no general order about any packet?—I remember directions in the case of the particular firms that you mention, and it was certainly my intention that that instruction should apply to all firms. I remember distinctly writing (the Inspector of Dead Letters will probably say whether the terms of my minute conveyed or not that attention); but I remember distinctly writing upon the application of one of those firms—I think Falk and Company—that it was desirable.



370. Will you give effect to the statement made in that answer. Do you think it desirable to give effect to that statement by a written order?—Most certainly; and I tell you again to-day that I was under the impression that that had been done. There must be some misapprehension about it, if it is not done.

371. We found that, in last March alone, 308 letters were stopped, of which 131 were on account of the Customs?—It is a most proper thing that notice should be given in every such case, and I will undertake that instructions shall be given.

372. *By Mr. Deakin.*—We find that Mr. Raphael's letter, concerning which the enquiry first arose, written on the 17th, posted on the 18th, reached Melbourne on the 18th, and was stopped on the 19th, did not reach the Inspector of Dead Letters till the 22nd. Can you tell us where it was those three days?—Was it the 19th, upon a Monday morning?

*Mr. Clerke.*—Monday was the 22nd.

*The Witness.*—It was upon the Monday morning; I see, by reference to the almanac, that the 18th October was Monday.

373. *By Mr. Deakin.*—It did not reach the Dead-letter office till the 22nd?—The letters would be sent up from the mail room on the morning of the 19th, on the morning Mr. Clark and Mr. Howden attended in the next room, and those parcels were brought up—they were all parcels and packets, they were not letters at all.

374. This was a letter?—Excuse me there was no letter opened.

375. [*Envelope produced.*]—It was an ordinary buff envelope?—It was the cover of a box and not a letter at all. There was not a letter opened upon that day.

376. This contained a letter in writing. A packet is not allowed to contain any writing?—I assure you that every packet opened upon that day was a packet to all intents and purposes, and was not a letter, and I can speak quite confidently upon that.

377. *By the Chairman.*—I asked you in question No. 82—“Where do you draw the distinction between a letter and a packet?—I would define a letter to be correspondence or writing of any kind; a packet would be simply an article of merchandise, or printed matter, or something distinct and different altogether from correspondence. A packet would be in the shape of a parcel, often made up in a box.” Now this was not such a thing. “Would you consider an envelope containing a quondong and a broach a packet or a letter?—It very much depends upon the way it was done up. I should say, looking at this of Mr. Raphael's, that it was a letter to all intents and purposes”?—Yes.

378. That is your own evidence?—Just so; but the packets that were opened upon the morning of the 18th of October by myself in the presence of the Commissioner of Trade and Customs, were in every case packets.

379. That does not apply to this one?—I can explain the whole thing to you. If you examine the envelope you find that it has been pressed out subsequent to the occasion altogether, and that was really the cover of a box. I have not a moment's hesitation in affirming that, if I had the envelope, I could explain to you precisely how it was made up.

380. *By Mr. Deakin.*—That is a side issue altogether. We want to know where this letter or parcel was for three days?—They were opened upon the morning of the 18th.

381. By whom?—Myself, in the presence of the Commissioner of Trade and Customs and the Collector of Customs.

382. I thought the Inspector of Dead-letters was the only person who opened dead-letters?—No. The Act gives the Deputy Postmaster-General the power to appoint any person.

383. We have evidence that if the receiver of a letter suspects there is something in the packet or letter in fraud of the Customs, he sends it to the Dead-letter office—it reaches them in an hour after it enters the building?—That is the rule now.

384. It seems that that did not reach them for three days. I want to know by whose authority, and by whom that was intercepted in the mail room?—It was stopped in the mail room. Those parcels were brought up-stairs from the mail room and opened.

385. The man who received that letter, and suspected it, instead of sending it up to the Inspector of Dead Letters, brought it to you?—Yes.

386. *By Mr. Zox.*—Is not that an infringement of the regulations or practice of the office?—It is contrary to the present practice. Those letters are now sent straight to the Dead Letter Office, but this was a special case.

387. *By Mr. Deakin.*—You made a swoop upon the letters that morning?—Upon that morning we did.

388. You intervened and stopped them, and instead of its going there it was detained by the Customs?—Yes; a schedule of them was made, and a description of the contents, and though I would not contradict the Inspector of Dead-letters if he says it did reach him till the third day, I am under the impression that they were sent on to the Dead-letter office the same day and the same hour.

389. The book shows it was not received till the 22nd?—It may be that they were not registered till then.

390. He says they were entered regularly, and the book shows that they must have gone in regularly by the sequence of the dates?—I do not dispute the accuracy of the book at all.

391. It was detained by the Customs' officers?—No, it was detained here at their instance.

392. Are they in the habit of making those swoops?—No, that was the first occasion for some years; since the detention of the Stevenson letters, I do not think a case had happened.

393. You retain to yourselves the power upon being moved by the Customs to stop letters that are supposed to be in fraud of the Customs law?—Which were reasonably suspected to be posted in contravention of the Customs law.

394. When you say “reasonably suspected,” who are the reasonably suspicious people—is it any man in the office?—Any officer, any one.

395. Sends it up?—Sent up by one of the responsible officers, the officer in charge of the room; it would be brought under his notice.

396. Are all opened that are sent up?—Yes, in the Dead-letter office.

397. Some reach him open which have been sent to people, and have proved to be the wrong addresses, and the wrong person has opened it first of all, but he says he received some open; he is not

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sure whether this reached him open or not. It must have been open for you opened it. We suggested to the inspector of dead letters that when a letter reaches him open it should be recorded in the book?—Yes; I may explain that, according to the present practice, that could not be, because in every case they are sent direct to the Dead-letter Office without being opened.

398. *By Mr. Zox.*—Do not you think it would be far better that, when an officer in your department labours under the impression that a letter is suspicious it should be, first of all, submitted to you and see whether your ideas and his are in unison about the suspicious nature of the communication prior to its being forwarded to the Dead-letter Office?—That might be desirable, but I would regard the Inspector of Dead-letters as a suitable person to be entrusted with a discretion of that kind, and he would not be warranted in opening a packet or letter unless there is reasonable ground to justify it.

399. Did not you say, just now, that immediately a letter, supposed to be suspicious, is sent from an officer to the head of the dead-letter department, he opens it without further inquiry?—I should not think he would do so without due consideration. He is supposed to exercise his own judgment in the matter.

400. He says he does it. He opens all letters, as a matter of course, if they are sent to him. Do not you think that that would place the dead-letter inspector in a proper position if he had an instruction to deliver letters to no one, not even yourself, or the political head, without the Governor's Order in Council?—I can see no objection to that at all.

401. The Inspector of Dead-letters informed us in evidence that he was quite prepared to give letters to you or the political head upon a simple request. It appears to me that that is in direct contravention of the Act, and he should not deliver them without an Order in Council?—I have always had the Order in Council, but I doubt whether the head of a branch should hesitate to act according to the direction of the head of the department in any case.

402. Yes, so long as he keeps a register of it?—Yes, he must keep a proper record.

403. So that we should know where the responsibility rests?—Yes, he certainly ought to register the fact. I quite agree with you that the rule of the department should be to endorse upon the warrant, and refer it, in order that the inspector may see it. Such should be the case undoubtedly.

*The witness withdrew.*

*Adjourned.*