

after I had decided to give no further evidence to Major Keddell. It was out of no disrespect to *Mr. Brissenden*. Major Keddell's position, or to the Royal Commission he held. That was the course I had adopted.

255. Did you tell him at Hokianga that you would give him no further evidence?—I did tell him, 30th Aug., 1875. not positively. I said, "It is my impression that I shall give you no further evidence."

256. Did you say, "I must request permission to have my solicitor's advice before I give you further evidence"?—I did say that, but I think it was at his suggestion.

257. But you signed that as your evidence on oath?—I did so. I had not consulted my solicitor up to that time.

258. *The Chairman.*] After being sworn on that occasion, why did you refuse to answer the question?—That letter (the letter marked "B," written by Mr. O'Halloran) is the answer. I think I have, for four or five months, undergone a punishment which few men could have withstood. The papers have branded me as a thief throughout almost the whole of the Province of Auckland. As I have stated before, I considered the secret was not mine to give. That man had done me a kindness, and I did not consider it my place to betray him; and had I not received this letter I should not have uttered a word, no matter what the consequences would have been.

259. Did you refuse to answer that question because it might criminate yourself?—Let me understand. Was the question from Major Keddell to me in this form: "Did Mr. O'Halloran or anybody else give me these rights?"

260. It is this: "When you asked me whether I met Dillon and Corbett on the morning of the opening, and whether I afterwards saw them alone in Takerei's house that morning, I must request permission to have my solicitor's advice before I answer that question"?—Previous to making that remark, it was, I think, the suggestion of Major Keddell that I should terminate in that way. I said, "Now, Major Keddell, I shall answer no more questions."

261. You had been sworn in the usual way to tell the whole truth touching the matter before the Commissioner. You might have been, and would have been, justified in refusing to answer the question if it was likely to criminate yourself. I ask whether that really was the ground of your refusal?—No, I think not. I feel satisfied had it been my own transaction solely, I should have come forward months ago, and made this statement in print. But I had Mr. O'Halloran's secret, and I felt in duty bound to protect him. I may say that, previous to taking that oath, I went to the Commissioner prepared to pay the £20, and say nothing. I was much offended at the manner in which the whole thing had been carried out; I looked upon it as very vindictive. Major Keddell and I had a long conversation before I took the oath. He begged me to do it, saying that it might militate against me if I did not.

262. Your reply to my question is, that you did not refuse because it would criminate yourself?—I think it was more to the other balance—that it would have drawn in Mr. O'Halloran. I was dealing with some 500 or 700 Natives, and it was given out at Herd's Point that I was to be arrested. Any one who knows anything of Natives will know how much that would check my business transactions. I was not in excellent temper at the time, I can assure you.

263. Then you refused, not because it might criminate yourself, but because it might criminate Mr. O'Halloran?—That was the principal reason. I never so much thought of myself as of Mr. O'Halloran. To a sensitive man I have gone through a great deal.

264. Were you not aware when you made your refusal that you were violating your oath to tell the whole truth?—I made the reservation that I would only speak up to a certain point. We had a long conversation of an hour and a half before I took the oath.

265. *Sir George Grey.*] Was any arrangement made with Dillon and Corbett to meet you at Takerei's house?—Smith, the prospector, whom I had all the intercourse with in endeavouring to get their rights—by rights I mean what had been promised by the former Superintendent of Auckland.

266. Had any arrangement been made?—Smith pointed Dillon out, whom I had not seen before, on the previous day, and said, "If you can help us in any way, I will send Dillon to your house in the morning."

267. You expected you would be able to help them?—I had no distinct idea of how I could help them. I had talked about their case with all the officials, with Major Keddell in Auckland, and with Captain Fraser. I went down with Captain Fraser to Grahamstown in reference to the death of Mr. Williamson and the expiring of the delegated powers. We had a great many conversations. He said the only way was to get a sufficient number of miners' rights to hold their ground. Of course he did not say that I was to obtain them before the issue in this way. My arrangement with Mr. O'Halloran was done on the spur of the moment.

268. There was an arrangement with Dillon and Corbett to meet you at Takerei's house?—Yes, with Dillon. I had not any with Corbett. I understood he (Dillon) was to come to my house or Macdonald, the man who brought me the list. Macdonald was ill.

269. Therefore you had some hope you might be able to assist them?—Yes.

270. But you had no arrangement?—No.

271. It was entirely accidental that you were able to fulfil the hope that you had held out to them?—It was entirely accidental that I remained at Mackaytown that night.

272. After giving those rights, did you go away immediately?—No; I was stopping at Takerei's house. It was 3 o'clock before I went to bed; I had been working hard. The following day I went to Tauranga to meet Sir Donald McLean—on the 4th I think it was. I never left Takerei's house on the 3rd.

273. *Mr. May.*] I think, in your evidence before Major Keddell, you stated that you heard Mr. Mackay and Mr. O'Halloran speaking about some lost miners' rights before you left. You said nothing about having these rights?—I did not have them then. That was a packet that had been missed the night before; rights that had not been taken out of the book up to that time.